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Circular No. 1551

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

Part 216 - PAYMENTS

The amount of fees allowed to registers for reducing testimony to writing is fixed by 43 CFR 216.18, which is based on R. S. 2238, Paragraphs 10, 11 and 12 (43 U. S. C. 82, Paragraphs 8, 9 and 10). Section 216.18 does not contain a complete statement as to the fees which may be charged. Accordingly, the first paragraph of the section is amended to read as follows:

"216.18 Reducing testimony to writing. In the states of Alabama, Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota and Wisconsin, fees for reducing testimony to writing are allowed at the rate of 15 cents for each 100 words, and in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, fees for reducing testimony to writing are allowed at the rate of 22½ cents for each 100 words, in the following cases:" x x x x.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 29, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

None in Stock

20517

Office Copy

Sec No. 1840

Circular No. 1552

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

The oil and gas leasing regulations contained in the sections indicated below are hereby amended or revoked as follows:

GENERAL STATEMENT

Section 192.1 Issuance of leases. The Act approved August 21, 1935 (49 Stat. 674, 30 U. S. C., secs. 185, 223, 223a, 226) amends sections 13, 14, 17, and 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437).

All lands subject to disposition under the Mineral Leasing Act which are known or believed to contain oil and gas deposits may be leased in units of not exceeding 640 acres to the highest responsible qualified bidder by competitive bidding under general regulations, except that the first qualified applicant for lease of lands not within a known geologic structure of a producing oil or gas field is entitled to a preference right over others to lease such lands without competitive bidding. Leases for terms of 5 or 10 years and so long thereafter as oil or gas is produced in paying quantities are authorized at a royalty of not less than 12½ per centum of the amount of production and an annual rental charge of not less than 25 cents per acre. Rights-of-way for oil and gas pipe lines may be granted, as provided for in sections 244.56 - 244.61.

192.4 Drainage. Upon determination that wells drilled upon lands not owned by the United States are draining oil or gas from lands or deposits owned in whole or in part by the United States, the Secretary of the Interior may negotiate agreements whereby the United States or the United States and its lessees or grantees shall be compensated for such drainage, such agreements to be made with the consent of any lessees affected thereby.

Steps looking to the negotiation of such special agreements may be initiated in the Department or by application of interested parties. The precise nature of any agreement negotiated will depend on all the conditions and circumstances involved in the particular case.

192.5 Abandonment of wells drilled under lease. Upon plugging or abandoning a well drilled under a lease, the casing shall not be drawn from the well until authority has been obtained in writing from the supervisor of the Geological Survey or other authorized agent of the Department of the Interior.

Elimination of Centerhead

The centerhead "Outstanding Oil and Gas Prospecting Permits and Applications Therefor," for sections 192.6 to 192.16, inclusive, is deleted, leaving these sections under the centerhead "General Statement" at the beginning of Part 192.

192.6 This section is revoked.

192.7 This section is revoked. Footnote 44 for the section is deleted.

192.8 This section is revoked.

192.9 This section is revoked; except as to pending applications for oil and gas leases based upon discoveries under prospecting permits.

192.10 This section is revoked, except as to pending applications for oil and gas leases based upon discoveries under prospecting permits.

192.11 This section is revoked, except as to pending applications to exchange oil and gas prospecting permits for leases.

192.12 Leases on same land for oil, gas, and other minerals. The granting of a lease for the development or production of oil or gas will not preclude other permits or leases of the same land for the mining of other minerals, under the Act of February 25, 1920, as amended, with suitable stipulations for such joint operation, to the end that the full development of the mineral resources may be secured, nor will it necessarily preclude the allowance of applicable entries, locations, or selections of the lands included therein with a reservation of the mineral deposits to the United States.

192.13 This section is revoked.

192.15 Maximum fees; rule of approximation. As a matter of equitable administration oil and gas leases are issued for areas exceeding 2,560 acres by invoking the rule of approximation, and while Section 191.5, provides that the filing fee on an application for such lease shall be "$2 for each 160 acres or fraction thereof," that provision is held to apply only to cases involving less than 2,560 acres, and as the law fixes the limit of 2,560 acres in any one case for which a lease may be issued, the maximum fee of $32 only should be charged, in cases where the maximum acreage is exceeded but the rule of approximation is not violated.

LEASES WITH AND WITHOUT COMPETITIVE BIDDING

192.19 Auction of lease; qualifications of successful bidder.

* * * * * * * * * *

(b) The affidavit of the bidder or the affidavit of one of the officers of a corporate bidder, stating in full the interests, direct or indirect, held in leases, and applications therefor, in the same State, identifying the records wherein such interests may be found.

The register will thereupon transmit such showing, together with a report of the proceedings had at the auction by a special letter to the Commissioner of the General Land Office.

192.22 Preference right to lease without competitive bidding. A preference right over others to a lease without competitive bidding is granted under section 17, as amended, to the person first making application for the lease of any lands not within any known geologic structure of a producing oil or gas field who is qualified to hold a lease under the Act.

192.23 Applications for leases without competitive bidding.

* * * * * * * * *

(b) Statement as to citizenship: In case of an individual, whether native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate if known; if a woman, whether she is married or single; if married, the date of her marriage and the citizenship of her husband; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders; if a majority of the stock is owned or controlled by any one stockholder, a separate showing of his citizenship and holdings. In case any of the stock of the corporation is held by aliens, a showing giving name, record address and the amount of stock held by each is required.

Whenever deemed advisable, any corporate bidder or applicant for oil and gas lease may be required to file a sworn statement of the proper officer showing whether the applicant or any person controlling, controlled by, or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Acts of 1934 or said Commission's rules and regulations under said Acts; if so, under what provision of said Acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

(c) A statement of the interests, direct and indirect, held by the applicant in leases, and applications therefor, in the same State, identifying the records wherein such interests may be found. Lessee's chargeable interests may not exceed in the aggregate 7,680 acres in any one State and

not more than 2,560 acres within the geologic structure of the same producing oil or gas field. For acreage not chargeable see footnote hereto."

Footnote 46 for section 192.23 is deleted.

192.24 This section is revoked.

192.28 Form of lease. Leases issued with and without competitive bidding under the Act of February 25, 1920, as amended by the Act of August 21,1935 (49 Stat. 674, 30 U. S. C. 226), will be in form and substance substantially as follows:

* * * * * * * * *

(a) Bond. To furnish prior to beginning of drilling operations and maintain at all times thereafter as required by the lessor a bond in the penal sum of $5,000 with approved corporate surety, or with deposit of United States bonds as surety therefor, conditioned upon compliance with the terms of this lease; and, until such bond is furnished, to submit and maintain a bond in the sum of $1,000 with acceptable surety, similarly conditioned. The requirement made herein for the filing of a $1,000 bond shall apply only in those cases in which a bond is required by law for the protection of the owners of surface rights. In all other cases the $1,000 bond must be filed not less than 90 days before the due date of the next unpaid annual rental, but this requirement may be successively dispensed with by making payment of each successive annual rental not less than 90 days prior to its due date. In the absence of the payment of the rental in advance as herein authorized, the requirement for the filing of the bond within the time prescribed must be complied with strictly, and upon the failure of the lessee to comply therewith the lease shall be subject to cancellation by the Secretary in accordance with the provisions of the lease and the Act of February 25, 1920 (41 Stat. 437) as amended by the Act of August 21, 1935 (49 Stat. 674). Nothing herein contained shall operate to relieve the lessee from the obligation to furnish a $5,000 general lease bond prior to beginning drilling operations.

(b) Cooperative or unit plan. Within 30 days of demand, or if the land is within an approved unit plan, in the event such plan is terminated prior to the expiration of this lease, within 30 days of demand made thereafter, to subscribe to and to operate under such reasonable cooperative or unit plan for the development and operation of the area, field, or pool embracing the lands included

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*Acreage is not charged where embraced in leases issued in exchange for prospecting permits until one year after discovery of valuable deposits of oil or gas within the limits of the lease; in leases issued pursuant to sections 18 and 19 of the Act of February 25, 1920 (41 Stat. 443, 445); nor where embraced in leases committed to approved unit agreements.

herein as the Secretary of the Interior may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest including the United States.

* * * * * * * * *

(d) Rentals. To pay the lessor in advance on the first day of the month in which the lease issues a rental of 50 cents for each acre or fraction thereof for the first lease year, and a rental of 25 cents for each subsequent lease year beginning prior to discovery of a valuable deposit of oil or gas within the limits of the geological structure on which all or part of the leased lands are situated: Provided, That if this lease is granted under section 17 of the act, as amended, for lands not within any known geologic structure of a productive oil or gas field, no rental is required for the second and third lease years unless a valuable deposit of oil or gas is sooner discovered: Provided further, That for each lease year beginning on or after discovery a rental of $1 per acre or fraction thereof shall be paid, the rental so paid for any one lease year to be credited on the royalty for that year: And provided further, That when the Secretary of the Interior shall direct or shall assent to suspension of operations or of production of oil or gas under this lease, after a valuable deposit of oil or gas shall have been discovered within the lands leased, any payment of acreage rental prescribed herein likewise shall be suspended during such period of suspension of all operations and production; and this lease shall not be deemed to expire by reason of suspension of prospecting, drilling, or production, pursuant to any order or consent of the said Secretary.

* * * * * * * * *

(h) Payments. Unless otherwise directed by the Secretary of the Interior, to make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, such payments to be tendered to the Register of the district land office in which the lands are located or to the Commissioner of the General Land Office if there is no district land office in the State in which the lands are located.

* * * * * * * * *

(p) Assignment of lease. Not to assign this lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within 30 days from the date of execution

and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignments providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved.

* * * * * * * * *

(s) Reserved or segregated lands. If any of the land included in this lease is embraced in a reservation or segregated for any particular purpose, the lessee shall conduct operations thereunder in conformity with such requirements as may be made by the Secretary of the Interior for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purposes of this lease, which latter shall be regarded as the dominant use unless otherwise provided herein or separately stipulated.

COOPERATIVE OR UNIT DEVELOPMENT

192.31 General Statement. The Act of March 4, 1931 (46 Stat. 1523, 30 U. S. C. 184), makes provision for cooperative or unit development of a single oil or gas field for the purpose of conserving the natural resources thereof - when determined and certified to be in the public interest; authorizes approval of operating, drilling, or development contracts regardless of acreage limitations - when required by the conservation of natural products or the public convenience or necessity or when the interests of the United States may best be subserved thereby; and confirms by specific authorization current practice in the matter of suspension or modification of the drilling or producing requirements of outstanding oil and gas leases - when deemed to be necessary or in the public interest. Consent of the holders of existing leases is prescribed as a prerequisite to modification of the terms thereof. With such consent, however, the Secretary of the Interior is authorized to establish, alter, change, or revoke drilling, producing, and royalty requirements, of leases included in a cooperative or unit plan of development or operation, to make such regulations with reference to such leases as he may deem necessary or proper to secure the proper protection of the public interest; and to suspend or modify the drilling or producing requirements of leases though not included in a cooperative or unit plan. The Act further provides that any lease that has become the subject of an approved cooperative or unit plan of development or operation or other approved plan for the conservation of the oil and gas of a single pool or area shall continue in force at least until the termination of

such plan; and requires that cooperative or unit plans of development or operation shall vest authority, limited as therein provided, in the Secretary to alter or modify from time to time the quantity and rate of production under said plan.

The Act of August 21, 1935 (49 Stat. 676, 30 U. S. C. 226) provides that the Secretary of the Interior for the purpose of more properly conserving the oil or gas resources of any area, field, or pool, may require that leases thereafter issued under any section of this Act be conditioned upon an agreement by the lessee to operate, under such reasonable cooperative or unit plan for the development and operation of any such area, field, or pool as he may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States.

192.32 Parties to plan; Secretary of the Interior to be authorized to alter or modify quantity and rate of production. Any cooperative or unit plan of operation or development of a single pool or field after discovery of oil or gas has been made must be by agreement of all the Government lessees or their representatives and the owners or lessees of the lands in private ownership, or by such lessees and owners or their representatives as will give effective control of the production of the pool or field. Such an agreement must contain a provision giving authority, limited as agreed upon and therein fixed, to the Secretary of the Interior to alter or modify from time to time the quantity and rate of production under the plan. In general, exercise of authority to modify quantity and rate of production will be limited to modification for the purpose of preventing waste, discouraging unreasonable prices, or accomplishing other objects deemed necessary in the public interest.

192.34 Parties who may submit unit plan. Such a plan may be submitted by lessees, operators or others having substantial interests in the production of the field for determination either before or after the interests therein have completed an agreement to unite in a cooperative or unit plan of operation or development, but no such plan which involves Government leases will become operative until certified by the Secretary of the Interior as provided in the Act, nor until the completed articles of agreement, duly executed, have been submitted to the Secretary and formally approved by him.

192.35 Approval of operating, drilling or development contracts without regard to acreage limitations. The provision of section 27, of the Leasing Act, as amended, authorizing the Secretary of the Interior to approve operating, drilling, or development contracts without regard to acreage limitations is primarily intended to permit pipe-line companies or other operators to enter into contracts with lessees in numbers sufficient to justify operations on a large scale for the discovery, development, production, or transportation of oil or gas and to finance the same.

The contract submitted for approval under this provision should be accompanied by a statement showing all the interests held by the contractor in the field and the proposed or agreed plan of operation or development

of the field. All the contracts held by the same contractor in the field should be submitted for approval at the same time, and full disclosure of the project made. There must be complete details furnished in order that the Secretary of the Interior may have facts to make a definite determination in accordance with the provisions of the Act, and prescribe the conditions on which approval of the contracts is made.

192.37 This section is revoked, except as to pending applications.

192.39 Leases for lands within and without unitized areas. Any oil and gas lease for lands within the boundaries of a unitized area, issued subsequent to the approval of the unit agreement for such area, will contain appropriate provisions making the lease immediately subject to the unit agreement. The lease applicant must file, prior to the issuance of such lease, evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in his lease under and pursuant to the terms and provisions of the approved unit agreement, or an affidavit giving satisfactory reasons for the failure to enter into such agreement.

In case an application for lease is filed under the Act of August 21, 1935 (49 Stat. 674, 30 U. S. C. 226), amending the Act of February 25, 1920 (41 Stat. 437), which embraces lands partly within and partly without the exterior boundaries of a unitized area, and is found allowable, separate leases will be issued, one embracing the lands within the unit area, and one for the lands outside of such unitized area.

ASSIGNMENTS

192.41 Assignments of leases. Leases may be assigned to qualified persons or corporations upon first obtaining consent of the Secretary of the Interior. The assignments must be filed in triplicate. Mere rights to receive a lease are not assignable.

192.42a This section is revoked.

192.42b Royalty interests in oil and gas leases and assignments thereof. Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the Act of February 25, 1920 (41 Stat. 437), as amended (46 Stat. 1524, 30 U. S. C. 184). Assignments of such interests in leases must be filed for record purposes in the appropriate district land offices accompanied by a showing in affidavit form by the assignees as to their citizenship and holdings in other oil and gas leases in the same State, but they will not be approved unless and until a discovery of a valuable deposit of oil or gas is made.

192.42c Effective date and applicability. Section 192.42b became effective November 18, 1938, and is applicable to all assignments of royalty interests in oil and gas leases not theretofore approved by the Department regardless of the date on which the assignment was made.

192.43 Separate assignments required for transfer of record titles to leases. A separate assignment of each oil and gas lease will be required when transfers of interests involve record titles, whether the interests are of the entire lease, title to specific tracts, or undivided title interests.

When transfers to the same person, association, or corporation, involving more than one oil and gas lease are filed for Departmental approval, one request for approval thereof and one showing as to the qualifications of the assignee will be sufficient.

PREFERENCE RIGHT OF ENTRYMAN OR
OWNER TO LEASE*

* * * * * * * * *

PREFERENCE RIGHT OF SETTLER TO LEASE

192.45 Settlers who are entitled to preference rights. A settler upon the public domain prior to the passage of the Leasing Act of February 25, 1920 (41 Stat. 437), where the lands involved were not at time of settlement withdrawn or classified as valuable for oil and gas deposits, is entitled under certain conditions to a preference right to an oil and gas lease, pursuant to section 20 of the Mineral Leasing Act (41 Stat. 445, 30 U. S. C. 229), for the lands settled upon.

192.51 This section is revoked.

192.62 This section is revoked.

192.63 This section is revoked.

192.64 Individual surety bonds. Where individual surety bonds are tendered they must be executed by not less than two qualified individual sureties to cover compliance with all terms and conditions of the lease or the applicable law or regulation. With the bond signed by the individual sureties must be filed affidavits of justification by the sureties that each is worth in real property not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities. With such bonds must also be furnished a certificate by a judge or clerk of a court of record, a United States attorney, a United States commissioner, or a United States postmaster, as to the identity, signatures, and financial competency of these sureties. All bonds will be examined from time to time as to their sufficiency and additional security will be required whenever deemed necessary.

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*Amended centerhead to precede 192.44

All bonds furnished with individual sureties will be listed by the General Land Office for examination at the expiration of 2 years from date of bond, and every 2 years thereafter, at which time, or at any other time when found advisable, the principal of the bond will be required to furnish new affidavits of justification by the sureties, and if such sureties are unable to qualify additional security will be required.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 31, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1553

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

In order to show the change in procedure resulting from the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942, of a Branch of Field Examination in the General Land Office, all sections in Chapter I of Title 43 of the Code of Federal Regulations which were affected by the change, and which have not heretofore been corrected, are amended as follows:

The words "Division of Investigations," wherever they occur, are deleted, and the words "Branch of Field Examination" are substituted therefor.

The words "special agent in charge" and "special agents in charge," wherever they occur, are deleted and the words "regional field examiner" and "regional field examiners," respectively, are substituted therefor.

The words "special agent" and "special agents," wherever they occur, are deleted and the words "field examiner" and "field examiners," respectively, are substituted therefor.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 31, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 285 - TIMBER AND STONE ENTRIES

In order to show the change in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942, of a Branch of Field Examination in the General Land Office, the regulations relating to timber and stone entries, contained in Part 285 of Title 43, as amended by Circular No. 1474 approved July 8, 1940, are further amended as follows.

Sec. 285.11 is amended by deleting from the second paragraph thereof the words "Division of Investigations," and substituting therefor the words "Branch of Field Examination," and also by deleting the words "special agent" and substituting therefor the words "field examiner."

Sec. 285.12 is amended by deleting the words "special agent" and substituting therefor the words "field examiner."

Sec. 285.13 is amended by deleting the words "special agent in charge" wherever they occur and substituting therefor the words "regional field examiner." This section is also amended by deleting the words "through the Director, Division of Investigations."

Sec. 285.14 is amended by deleting the words "special agent in charge" and "special agent" wherever they occur and substituting therefor the words "regional field examiner" and "field examiner," respectively. This section is also amended by deleting the words "through the Director of Investigations," and the words "and advise the Division of Investigations thereof." This section is further amended by deleting the words "Division of Investigations, which" and substituting therefor the words "regional field examiner, who."

Sec. 285.18 is amended by deleting the words "Division of Investigations" and "special agent" and substituting therefor the words "Branch of Field Examination" and "field examiner."

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 31, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

"BFE" BFLH

May 31, 1943.

I HEREBY CERTIFY that the annexed copy of regulations, Code of Federal Regulations, Title 43, Part 285 - Timber and Stone Entries, is a _____ true and literal exemplification of the original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

(SEAL)

(Sgd) A. E. Douhan

Acting Assistant Commissioner of the General Land Office.

Circular No. 1556

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - CHAPTER I - PUBLIC LANDS: INTERIOR

As a result of the reorganization of the district land offices in Alaska, authorized by the act of October 9, 1942 (Public Law 735, 77th Cong., 2d sess.), the offices of ex officio register and ex officio receiver for the district land offices at Nome and at Fairbanks have been abolished.

All district land offices in Alaska are now in charge of a register or acting register. Accordingly, all sections in Chapter I of Title 43 of the Code of Federal Regulations which refer to the "register and receiver," the "receiver," or the "ex officio receiver," as officials of the district land offices in the Territory, are amended so as to designate the official in charge as the "register."

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 31, 1943.

(Sgd) Oscar L. Chapman,
Assistant Secretary.

Circular No. 1558

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Superseded by Circ. 1721

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 289 - UNLAWFUL ENCLOSURES OR OCCUPANCY

In order to show the change in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942 of a Branch of Field Examination in the General Land Office, the regulations relating to unlawful enclosures or occupancy, contained in Part 289 of Title 43, are amended as follows:

Sec. 289.4 is amended by deleting therefrom the words "special agent in charge," and substituting therefor the words "regional field examiner."

Sec. 289.5 is amended by deleting from the first sentence thereof the words "special agent in charge" and substituting therefor the words "regional field examiner," and also by deleting the words "Director, Division of Investigations, for reference to the." This section is further amended by deleting from the last sentence thereof the words "Director, Division of Investigations," and substituting therefor the words "Commissioner, General Land Office."

Sec. 289.6 is amended by deleting from the section headnote the words "special agents," and substituting therefor the words "regional field examiner;" also by deleting from the section the words "special agent in charge," and substituting therefor the words "regional field examiner."

Sec. 289.8 is amended by deleting from the section headnote the words "special agent," and substituting therefor the words "regional field examiner," and by deleting from the section the words "special agent in charge," and substituting therefor the words "regional field examiner." The section is also amended by deleting therefrom the words "one of which will be forwarded to the Director, Division of Investigations, for reference." The section is further amended by deleting from the last sentence thereof the words "Director, Division of Investigations," and substituting therefor the words "Commissioner, General Land Office."

Sec. 289.9 is amended by deleting therefrom the words "special agent," and substituting therefor the words "field examiner."

Sec. 289.10 is amended by deleting therefrom the words "special agent in charge," and substituting therefor the words "regional field examiner."

(over)

Sec. 289.11 is amended by deleting therefrom the words "special agents," and substituting therefor the words "field examiners."

Sec. 289.13 is amended by deleting from the section headnote the words "special agents," and substituting therefor the words "field examiner," and by deleting from the section the words "special agent," and substituting therefor the words "field examiner." The section is also amended by deleting therefrom the words "special agent in charge," and substituting therefor the words "regional field examiner."

Sec. 289.14 is amended by deleting from the section headnote and the section the words "special agent," and substituting therefor the words "field examiner." The section is also amended by deleting therefrom the words "special agent in charge," and substituting therefor the words "regional field examiner."

Sec. 289.15 is amended by deleting therefrom the words "special agent," and substituting therefor the words "field examiner," and by deleting the words "special agent in charge," and substituting therefor the words "regional field examiner."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 31, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

20156

Office Copy

Circular No. 1559

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Superseded by Circ. 1825

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 292 - PUBLIC WATER RESERVE

RESERVATION OF PUBLIC LANDS FOR RESERVOIRS FOR WATERING LIVESTOCK

Sec.
292.27 Statutory authority
292.28 Petition for classification and declaratory statement.
292.29 Application by corporation.
292.30 Action on declaratory statement; size, location, and number of reservoir sites.
292.31 Time for construction.
292.32 Map of constructed reservoir.
292.33 Action by register when map has been filed.
292.34 Approval of constructed project.
292.35 Annual proof of maintenance
292.36 Procedure when unsurveyed land is involved.
292.37 Application to fence reservoir; plat required.
292.38 Action by register on application.

AUTHORITY: Secs. 292.27 to 292.38, inclusive, issued under sec. 1, 29 Stat. 484, 42 Stat. 1437; 43 U.S.C. 952.

RESERVATION OF PUBLIC LANDS FOR RESERVOIRS FOR WATERING LIVESTOCK

Section 292.27 Statutory authority. By the Act of January 13, 1897 (29 Stat. 484; 43 U.S.C. 952-955), it is provided that any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purpose.

Section 1 of the Act of January 13, 1897, as amended by the Act of March 3, 1923 (42 Stat. 1437; 43 U.S.C. 952), authorizes the Secretary of the Interior, in his discretion, under such rules, regulations and conditions as he may prescribe,

upon application by such person, company, or corporation, to grant permission to fence reservoirs constructed under the Act of January 13, 1897, in order to protect livestock, to conserve water, and to preserve its quality and conditions, provided, that such reservoir shall be kept open to the free use of any persons desiring to water animals of any kind.

292.28 Petition for classification and declaratory statement. Any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock, desiring to construct a reservoir under the authority of the Act of January 13, 1897, upon unappropriated public lands of the United States, not mineral or otherwise reserved except by E. O. 6910, November 26, 1934, and amendments thereto, and E. O. 6964, of February 5, 1935, as amended, or within a grazing district established under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315-315n, 1171), as amended, may file a petition, in duplicate, for the classification of the land involved, together with a declaratory statement, in the district land office for the district in which the land is located in accordance with the instructions contained in sections 296.1-296.11 (Circ. 1353b, June 29, 1937).

292.29. Application by corporation. When the applicant is a corporation there should be filed a copy of its articles of incorporation and proofs of its organization. If these papers are filed with the first declaratory statement made by the company, a reference thereto by its number will be sufficient in any subsequent application by the company.

The declaratory statement must be made under oath and should be drawn in accordance with Form 1*, and must contain the following:

(a) The post office address of the applicant; the name of the county in which the reservoir is to be or has been constructed; the description by the smallest legal subdivisions (40-acres tracts or lots) of the land sought to be reserved which under no circumstances must exceed 160 acres; certificate that the land is not occupied or otherwise claimed; certificate that to the best of the applicant's knowledge and belief the land is not mineral or otherwise reserved; statement of the business of the applicant, which statement shall include full and minute information concerning the extent to which he is engaged in breeding, grazing, driving, or transporting livestock, the number and kinds of such stock, the place where they are being bred or grazed, whether within an enclosure or upon unenclosed lands, and also the points from which and to which they are being driven or transported; description of the land owned or claimed by the applicant in the vicinity of the proposed reservoir and statement of its amount, certificate that no part of the land sought to be reserved will be fenced unless written permission is first obtained from the Secretary of the Interior, that all the land will be kept open to the free use of any person desiring to water animals of any kind; and that the lands so sought to be reserved are not, by reason of their proximity to other lands reserved for reservoirs excluded from reservation by the regulations and rulings of the Land Department.

(b) The location of the reservoir described by the smallest legal subdivision (40-acre tracts or lots), its area in acres, its capacity in gallons, the source

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from which water is to be obtained for such reservoir, whether there are any streams or springs within 2 miles of the land sought to be reserved; and if so, where.

(c) The numbers, locations, and areas of the reservoir sites filed upon by the applicant, especially designating those in the county in which the proposed reservoir is located.

292.30 Action on declaratory statements; size location, and number of reservoir sites. When such declaratory statement is filed the register will note thereon the date of filing, the serial number assigned thereto, and will make the usual notations on the records, in pencil, under the designation of "Reservoir Declaratory Statement No._____", adding the date of the Act. The register will then forward the declaratory statement to the General Land Office with the regular returns, in the usual manner. For the filing of such reservoir declaratory statement the register will be authorized to charge the usual fee (R. S. 2238; 43 U.S.C. 82). In acting upon these statements the following general rules will be applied:

(a) No reservation will be made for a reservoir of less than 250,000 gallons capacity, and for a reservoir of less than 500,000 gallons capacity, not more than 40 acres can be reserved. For a reservoir of 500,000 gallons and less than 1,000,000 gallons capacity, not more than 80 acres can be reserved. For a reservoir of 1,000,000 gallons and less than 1,500,000 gallons capacity, not more than 120 acres can be reserved. For a reservoir of 1,500,000 gallons capacity or more, 160 acres may be reserved. In the case where the water is furnished the livestock by artificial means, such as by windmill, pump, tanks, troughs, etc., the regulations requiring a minimum capacity of 250,000 gallons may be waived upon the claimant's submitting a satisfactory showing that by such artificial means he will be able to furnish sufficient water and provide proper troughs, etc., to properly accomodate all cattle likely to water at the place in question.

(b) Not more than 160 acres shall be reserved for this purpose in any section.

(c) Not more than 160 acres shall be reserved for this purpose in one group of tracts adjoining or cornering upon each other.

(d) A distance of one-half mile must be left between any two groups of tracts which aggregate more than 160 acres.

(e) The register will reject any reservoir declaratory statement not in conformity with sections 292.27-292.38.

(f) Lands so reserved shall be kept open to the free use of any person desiring to water animals of any kind. If the lands so reserved are not kept open to the free use of any person desiring to water animals of any kind, or if the reservoir applicant attempts to use them for any other purpose, or if the reservation is not obtained for the bona fide and exclusive purpose of constructing and maintaining a reservoir thereon according to law, the declaratory statement, upon any such matter being made to appear, will be canceled and all rights thereunder be declared at an end.

(g) Notwithstanding the action of the register in accepting any such declaratory statement, the Commissioner of the General Land Office will reject the same if upon considering the matters set forth therein it appears that the declaratory statement is not filed in good faith for the sole purpose of accomplishing what the law authorizes to be done.

292.31 Time for construction. The reservoir must be completed and constructed within 2 years after the filing of the declaratory statement; otherwise the declaratory statement will be subject to cancellation.

292.32 Map of constructed reservoir. After the construction and completion of the reservoir the applicant shall have the same accurately surveyed and mapped showing its location with relation to the public land surveys. The map must be filed in the proper district land office and must bear Forms 2 and 3.*

292.33 Action by register when map has been filed. When the map and other papers have been filed in the district land office, the date of filing will be noted thereon and the proper notations will be made on the records, as in the case of the declaratory statement. The register will then promptly forward the map and papers to the General Land Office.

292.34 Approval of constructed project. The map and papers will be examined in the General Land Office to determine whether they comply with the law and the regulations, and whether the amount of land desired is warranted by the showing made in the application. If found satisfactory, they will be submitted to the Secretary of the Interior, and upon approval, the lands shown to be necessary for the proper use and enjoyment of the reservoir will be reserved from other disposition so long as the reservoir is maintained and water kept therein for the purposes named in the Act. Upon the receipt of notice of such reservation from the General Land Office, the register will make the proper notations on his records and report the making thereof promptly to the General Land Office.

292.35 Annual proof of maintenance. In order that this reservation shall be continued it is necessary that the reservoir "shall be kept in repair and water kept therein." For this reason the owner of the reservoir will be required, during the month of January of each year, to file in the district land office an affidavit to the effect that the reservoir has been kept in repair and water kept therein during the preceding year, and that all the provisions of the Act have been complied with. Form 4* will be used for this affidavit. Upon failure to file such affidavit, steps will be taken looking to the revocation of the reservation of the lands.

292.36 Procedure when unsurveyed land is involved. In any case where the proposed reservoir is to be located upon unsurveyed public land, the declaratory statement may be filed, the land being therein described by metes and bounds and, as well, by the description which it is believed it will bear when officially surveyed. Proof of construction must be submitted at the end of the same period of time and in the same manner as is prescribed and required in cases where the lands have been

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previously surveyed. Such proof should embrace the field notes and a plat of survey such as is required in cases of reservoirs on surveyed lands, with such modifications as are necessary (section 292.32).

(a) Any reservation made pursuant to the Act of January 13, 1897 secures only a license to use and occupy the reserved land with and for a reservoir, and this license may endure permanently or may be of transient duration. No estate in the land is granted. For this reason it is administratively undesirable that private surveys made pursuant to the statute and sections 292.27-292.38 shall be preserved and established by subsequent public-land surveys and approved plats thereof. When, therefore, the public-land surveys have been extended over land covered by a reservoir declaratory statement affecting unsurveyed lands, the declarant shall adjust his survey to the line of the official survey, showing the location of the reservoir with respect to said lines by means of properly established tie lines. Any subsequent reservation which may be ordered will be of those subdivisions thus shown to be occupied by or necessary for the proper use of the reservoir.

(b) An annual affidavit of maintenance must be submitted the same as though the reservoir had been constructed on surveyed lands. Nothing in sections 292.27-292.38 shall preclude the General Land Office or the Department from requiring additional information in any case where that information is deemed proper or necessary

292.37 Application to fence reservoir; plat required. Any person, company, or corporation desiring to secure the benefits of the Act of March 3, 1923, should file in the district land office an application, under oath, duly corroborated by at least two disinterested witnesses, setting forth such facts as would show that it is necessary to fence such reservoir in order to protect the livestock, to conserve water, and to preserve its quality and conditions. There should be filed with such application, and as a part thereof, a plat showing the land embraced in the reservoir as near as may be, the location of proposed fence with respect to such reservoir, together with all gates or other openings and roadways leading to the same. In no instance will an application be considered unless said plat shows the location of at least two gates. Said gates shall be so constructed and maintained that they may be, at all times, readily opened and closed by any person desiring to water animals of any kind, and such gates shall be so placed as to be readily accessible from the road or roads nearest the reservoir, which roads shall be the ones usually traveled and, where there are no such roads whereby to govern the location of such gates, they shall be so situated as to make the reservoir readily available from the adjacent public or other range; and that there shall be posted on the gates, and elsewhere if necessary, a notice stating that the reservoir is for stock-watering purposes, located on public lands, and that the same is opened to the free use of any person desiring to water animals of any kind.

292.38 Action by register on application. Upon the filing of such an application, it should be considered by the register as an additional paper in the case and transmitted to the General Land Office by special letter under the serial number of the reservoir declaratory statement for such action as may be deemed proper.

REGULATIONS SUPERSEDED

Sections 292.27 to 292.38, inclusive, supersede sections 244.18 to 244.30, inclusive, of Title 43 of the Code of Federal Regulations (Circ. 1237a, May 23, 1938).

(Sgd) Fred W. Johnson,

Commissioner, General Land Office.

Approved: May 31, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

(Form 1)

RESERVOIR DECLARATORY STATEMENT

(Under Act of January 13, 1897 (29 Stat. 484)

Res. D. S.
No.

Land Office at_____,

_____19____.

I,_____, of_____, do hereby certify that I am President of the_____ company, and on behalf of said company, and under its authority, do hereby apply for the reservation of land in _____County, State of _____for the construction and use of a reservoir for furnishing water for livestock under the provisions of the Act of January 13, 1897 (29 Stat. 484). The location of said reservoir and of the land necessary for its use, is as follows: _____of section_____in township_____, of range_____M., containing _____acres.

I hereby certify that to the best of my knowledge and behalf the said land is not occupied or otherwise claimed, is not mineral or otherwise reserved, and that the said reservoir is to be used in connection with the business of the applicant of _____

_____

The land owned or claimed by the applicant within the vicinity of the said reservoir (within 3 miles) is as follows:_____

_____

I further certify that no part of the land to be reserved under this application is or will be fenced; that the same shall be kept open to the free use of any person desiring to water animals of any kind; that the land will not be used for any purpose except the watering of stock; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the Land Department.

The water of said reservoir will cover an area of_____acres in_____of section_____in township_____, of range_____ of said lands; the capacity of the reservoir will be_____ gallons, and the dam will be _____feet high. The source of the water for said reservoir is_____

_____

and there are no streams or springs within 2 miles of the land to be reserved except as follows:_____

The applicant has filed no other declaratory statements under this Act except as follows:

No._____,_____land office, area to be reserved_____acres
No._____,_____land office, area to be reserved_____acres
No._____,_____land office, area to be reserved_____acres
No._____,_____land office, area to be reserved_____acres
Total,_____acres, of which Nos._____are located in said county.

And I further certify that it is the bona fide purpose and intention of this applicant to construct and complete said reservoir and maintain the same in accordance with the provisions of said Act of Congress and such regulations as are or may be prescribed thereunder.

(SEAL OF COMPANY) _____.
Attest:

_____.
Secretary.

State of_____,
County of_____, ss:
_____, being duly sworn, deposes and says that the statements herein made are true to the best of his knowledge and belief.

_____.

Sworn to and subscribed before me this_____day of_____ in the year 19_____.

_____,
Notary public

Land Office at_____,

_____, 19____.

I, _____, register of the land office, do hereby certify that the foregoing application is for the reservation of lands subject thereto under the provisions of the Act of January 13, 1897; that there is no prior valid adverse right to the same; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and ruling of the Land Department.

Fees, $_____paid.

_____,
Register.

(Form 2)

State of_____,
County of_____, ss:
_____, being duly sworn, says that he is the person who was employed to make the survey of a reservoir covering an area of_____acres, the initial point of the survey being _____(here describe as required by Section 292.32), said reservoir having been constructed upon the_____quarter of the _____quarter of section_____, township_____, range _____M., as proposed by reservoir declaratory statement No._____,

which was filed in the local land office at_____, under the provisions of the Act of January 13, 1897 (29 Stat. 484); that the said survey was made on the _____day of _____, 19____; that the dam and all necessary works have been constructed in a substantial manner; that the reservoir has a capacity of _____ gallons, and at the time of said survey contained_____ gallons of water.

_____.

Sworn and subscribed to before me this _____day of _____19___.

_____,
Notary Public.

(Form 3)

I,_____,do hereby certify that I am the President of the_____company which filed (or that I am the person who filed) reservoir declaratory statement No._____ in the local land office at_____; that the reservoir proposed to have been constructed upon the _____quarter of the _____quarter of section_____, township_____, range _____M., covering an area of _____(describe as in Form 2); that the dam and all necessary works have been constructed in a substantial manner in good faith in order that the reservoir may be used and maintained for the purpose, and in the manner prescribed by the said Act of January 13, 1897 (29 Stat. 484), the provisions of which have been and will be complied with in all respects.

(SEAL OF COMPANY)

_____,
President of Company.

_____.
Secretary.

Attest:

(Form 4)

State of _____,
County of _____, ss:

_____, being duly sworn, deposes and says that he is the President of the _____ _____ company which filed (or that he is the person who filed) reservoir declaratory statement No. _____ in the local land office at _____; that the reservoir constructed in pursuance thereof, as heretofore certified, has been kept in repair; that the water has been kept therein to the extent of not less than _____ gallons during the entire calendar year of 19__; that neither the reservoir nor any part of the land reserved for use in connection therewith is or has been fenced during said years; and that the said company has in all things complied with the provisions of the Act of January 13, 1897 (29 Stat. 484).

_____,
President of _____ Company.

Sworn and subscribed to before me this ____ day of _____, 19_____.

(SEAL)

_____
Notary Public.

Circular No. 1560

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF CEDARVALE, NEW MEXICO

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The lots in the abandoned railroad right of way through the town site of Cedarvale, New Mexico will be disposed of under Section 2381, Revised Statutes. The plat of the subdivisional survey of the right of way was accepted March 3, 1942.

2. Area and Price. The area and minimum price of the lots which will be sold are as follows:

Block	Lot	Area Sq. Ft.	Appraisal	Block	Lot	Area Sq. Ft.	Appraisal
4	7	2602.00	$10.00	8	18	3509.00	$10.00
4	8	3345.00	10.00	8	19	3511.00	10.00
4	9	3500.00	10.00	8	20	2214.00	9.00
4	10	3500.00	10.00	9	19	3292.00	13.00
4	11	3119.00	12.00	14	7	1138.00	4.00
4	12	1886.00	8.00	14	8	1090.00	3.00
4	13	3487.00	10.00	15	1	5260.00	21.00
4	14	3489.00	10.00	15	2	3500.00	10.00
4	15	3491.00	10.00	15	3	3500.00	10.00
4	16	3493.00	10.00	15	4	3500.00	10.00
4	17	3494.00	10.00	15	5	3500.00	10.00
4	18	3496.00	10.00	15	6	3500.00	10.00
4	19	2203.00	9.00	15	7	3500.00	10.00
5	13	2489.00	10.00	15	8	3500.00	10.00
7	4	1114.00	3.00	15	9	3500.00	10.00
7	5	1111.00	4.00	15	10	3500.00	10.00
8	8	4020.00	16.00	15	11	3752.00	15.00
8	9	3500.00	10.00	16	1	2223.00	9.00
8	10	3500.00	10.00	16	2	3481.00	10.00
8	11	3500.00	10.00	16	3	3479.00	10.00
8	12	3500.00	10.00	16	4	3478.00	10.00
8	13	3500.00	10.00	16	5	3476.00	10.00
8	14	3474.00	14.00	16	6	3474.00	10.00
8	15	1103.00	4.00	16	7	3472.00	10.00
8	16	2874.00	9.00	16	8	3213.00	10.00
8	17	3507.00	10.00	16	9	1862.00	7.00

3. Public Sale. On Wednesday, October 6, 1943, at 10:00 A.M., a sale at public auction to the highest bidder of the above described lots will be held at the town site. The sale will be conducted from day to day under the supervision of a representative of the Commissioner of the General Land Office until all the lots shall have been offered. The lots will be sold for cash and must be paid for on the date of sale. No lot will be sold for less than the appraised price.

4. Manner of Sale. Bids may be made either in person or by agent but not by mail or at any time or place other than the time and place at which the lots are offered for sale hereunder. Any person may purchase any number of lots for which he is highest bidder. The bidders will be required to show that they are citizens of the United States or have declared their intention to become such. If bids are made by a corporation, evidence must be furnished, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any State, territory, or possession thereof, and that it is authorized to acquire and hold real estate in the State of New Mexico.

5. Removal of Improvements. Owners of buildings who do not purchase the lots on which the buildings are located will be allowed six months from date of sale in which to remove their improvements.

6. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code, U.S.C. Title 18, section 113.

7. Authority of Superintendent. The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots and after all lots have been offered he will not close the sale but will suspend the same and make recommendation to this office as to whether the suspension should be continued or the sale closed. In the event the sale should be closed, the unsold lots will then be subject to private sale at the appraised price.

(Sgd) Joel David Wolfsohn,

Assistant Commissioner.

Approved: June 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

25382

Circular No. 1562

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Lee Circ 1840

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

The first sentence of Section 192.18 of Title 43 of the Code of Federal Regulations is hereby amended to read as follows:

> "Notice of the offer of lands for lease will be given by publication once a week for 5 consecutive weeks, in accordance with § 106.18, or for such other period as may be deemed advisable, in a newspaper of general circulation to be designated by the Commissioner of the General Land Office in the county in which the lands or deposits are situated, or in such other paper or papers as the Secretary of the Interior may direct."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 17, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

25841

Part of this still in effect. 5/26/54 BB.

See Circ. 1697, 1745, 1754, 1774 & 1820, for

Circular No. 1563

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 75 - SALES AND LEASES

SALE OR LEASE OF CERTAIN LANDS IN THE MATANUSKA VALLEY OF ALASKA

Sec.
75.1 Statutory authority.
75.2 Policy.
75.3 Preference right to Alaska Rural Rehabilitation Corporation.
75.4 Persons entitled to make application.
75.5 Authorization for sale.
75.6 Sale price and lease rental.
75.7 Evidence of citizenship required.
75.8 Action by Alaska Rural Rehabilitation Corporation.
75.9 Action by district land office.
75.10 Action by General Land Office.
75.11 Causes for cancellation.
75.12 Payment of annual rental on lease.
75.13 Patent and lease reservations.
75.14 Appeals.

AUTHORITY: Secs. 75.1 to 75.14, inclusive, issued under 54 Stat. 1191; 48 U.S.C. 353 note.

SALE OR LEASE OF CERTAIN LANDS IN THE MATANUSKA VALLEY OF ALASKA

Section 75.1 Statutory authority. The Act of October 17, 1940 (54 Stat. 1191; 48 U.S.C. 353 note) authorizes the Secretary of the Interior, in his discretion, to lease, or to sell at not less than $1.25 per acre, under such rules and regulations and upon such terms and conditions as he may prescribe, subject to valid existing rights, certain lands released from reservation for the support of common schools and the public lands in the Territory of Alaska in the areas described as follows:

Seward Meridian

Tps. 17 and 18 N., Rs. 1 and 2 E.,
secs. 16 and 36 and the public lands
in the townships.

Seward Meridian

T. 17 N., R. 1 W.,
secs. 25, 26, 27, 31, 32, 33, 34, and 35.
T. 16 N., R. 1 W.,
secs. 3, 4, 5, 6, and 7.
T. 16 N., R. 2 W.,
secs. 1, 2, 11, and 12.

All the public lands in the areas described above are situated within the boundaries of the Matanuska Valley Colonization Project administered by the Alaska Rural Rehabilitation Corporation and, except for the school lands released from reservation for the Territory as described in the following paragraph, were withdrawn by Executive Order No. 6957 of February 4, 1935, and Executive Order No. 7128 of August 6, 1935, under authority of the Act of June 25, 1910 (36 Stat. 847), as amended by the Act of August 24, 1912 (37 Stat. 497; 16 U.S.C., sec. 471; 43 U.S.C. 141 et seq.), from settlement, location, sale, entry, or other form of appropriation, and reserved for classification, and in aid of legislation. The Act of October 17, 1940 (54 Stat. 1191; 48 U.S.C. 353 note), provides an exclusive method for the lease or disposal of these public lands.

The Act releases sections 16 and 36, townships 17 and 18 north, ranges 1 and 2 east, Seward Meridian, Alaska, from the reservation thereof made by the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C. 353, 354), for the support of the common schools in the Territory of Alaska, and provides for the designation and reservation of an equal area of indemnity lands in lieu thereof, in accordance with the Act of February 28, 1891 (26 Stat. 796; 43 U.S.C. 851, 852).

The Act provides that all leases and patents issued shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine and remove the same under such regulations as the Secretary of the Interior may prescribe.

75.2 Policy. It will be the policy of this Department to promote the beneficial use of the public lands in the area described, subject to the terms of the Act; and at the same time to safeguard the public interest in the land. To this end, the ~~General Land Office~~ Bureau of Land Management will cooperate with the Alaska Rural Rehabilitation Corporation in its development program of the Matanuska Valley Colonization Project of Alaska.

75.3 Preference right to Alaska Rural Rehabilitation Corporation. The Alaska Rural Rehabilitation Corporation shall have the preference right to purchase such part of the above-described public lands as the Corporation shall certify to the Commissioner of the General Land Office have been improved or cleared and are ready for settlement and development into farm units. The preference right application must be filed by the Alaska Rural Rehabilitation Corporation within 60 days from the date of approval of these regulations.

75.4 Persons entitled to make application. Colonists and settlers who are approved and certified by the Alaska Rural Rehabilitation Corporation may file an application for the purchase or lease of such lands as are not sold to the Corporation. The amount of land sold or leased to any such person shall not exceed the

See Circ. 1774

acreage necessary for the purpose of developing a farm unit which will support such person and his family, as determined by the Corporation.

75.5 Authorization for sale. No sale will be authorized or made, except on prior approval of the Secretary of the Interior.

75.6 Sale price and lease rental. The sale price of lands sold hereunder shall be fixed by the ~~General Land Office~~ upon consideration of the recommendation of the Alaska Rural Rehabilitation Corporation but in no case shall it be less than $1.25 per acre. The annual rental on land leased hereunder shall be the amount determined by the General Land Office, upon consideration of the recommendation of the Corporation.

75.7 Evidence of citizenship required. No person shall be entitled to a patent or lease unless he is a native born or naturalized citizen of the United States, or one who has declared his intentions to become a citizen. If naturalized, or a declarant, he must show, by affidavit, the title and location of the court in which proceedings were instituted, the date of naturalization or declaration of intentions, and if available, the number of the document.

75.8 Action by Alaska Rural Rehabilitation Corporation. If the Corporation approves an application by a colonist or settler for the purchase or lease of land, the Corporation shall file the application and its certificate of approval with the register, district land office, Anchorage, Alaska. The application shall include the name, address, and evidence of citizenship of the applicant, and a complete legal description of the land involved. If the application is for a patent, it shall be accompanied by the full amount of the purchase price of the land, as recommended by the Corporation. If the application is for a lease, it shall be accompanied by the full amount of the first annual lease rental payment, as recommended by the Corporation. The certificate of approval of the Corporation shall include a statement that the land described does not exceed the amount necessary for the purpose of developing a farm unit which will support the applicant and his family.

75.9 Action by district land office. The register will assign a current serial number to each case and make appropriate notations on the records of his office. In the absence of any objections as shown by his records, he will, if the application is for a patent, and is accompanied by the purchase price, issue a cash certificate on Form 4-189 to the person named in the application, and forward the papers to the General Land Office. If the application is for a lease and is accompanied by the first annual rental payment, the application shall be forwarded to the General Land Office.

75.10 Action by General Land Office. Upon receipt by the General Land Office of the application and accompanying papers, the Commissioner, if all be found regular, will cause a patent or lease, as the case may be, to be issued to the applicant. A patent, however, will not be issued without the prior approval of the Secretary of the Interior.

75.11 Causes for Cancellation. The lease shall be subject to cancellation by the Commissioner, for failure of the lessee to comply with any of the terms, covenants and stipulations of the lease or of Sections 75.1 to 73.13 inclusive.

75.12 Payment of annual rental on lease. Annual rental on a lease must be paid to the register, district land office, Anchorage, Alaska, on or before each anniversary date of the lease.

75.13 Patent and lease reservations. Patents and leases issued under the provisions of the Act shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe.

75.14 Appeals. Any party aggrieved by any action of the Commissioner may appeal to the Secretary of the Interior pursuant to the Rules of Practice (43 CFR, Part 221).

75.15 - 75.22 — Circ. 1745
75.23 - 75.40 — " 1754
75.39 - Circ. 1820

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 23, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1564

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF NEWELL, SOUTH DAKOTA

1. Statutory Authority. Certain lots and an irregular tract in Newell Town Site, South Dakota, will be disposed of under the acts of April 16, and June 27, 1906 (34 Stat. 116, 519, 43 U.S.C. 561, 568), September 8, 1916 (39 Stat. 852), March 2, 1929 (45 Stat. 1522) and February 14, 1931 (46 Stat. 1107; 43 U.S.C. 571, 572, 573).

2. Area and Price. The area and minimum price of the lots which are to be sold are shown by the attached schedule. The approval of these regulations will constitute an approval of the appraisal of the lots.

3. Public Sale. On Wednesday, November 17, 1943, beginning at 10:00 a.m., a sale at public auction to the highest bidder at not less than the appraised price will be held at the Bureau of Reclamation office at Newell, South Dakota. F. C. Youngblutt has been designated as superintendent of the sale and N. J. Flint as auctioneer.

4. Terms of Sale. Full payment for the lots must be made in cash on the date of sale. The superintendent of sale will forward the money received to the Register of the District Land Office at Pierre, South Dakota.

5. Authority of Superintendent. The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot or lots remaining unsold will be subject to private entry at the District Land Office at Pierre, South Dakota, at the appraised price.

6. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code, U.S.C. Title 18, Section 113.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: September 29, 1943
(Sgd) Oscar L. Chapman,
Assistant Secretary.

Block	Lot	Area in Sq. Ft.	Appraisal	Block	Lot	Area in Sq. Ft.	Appraisal
46	5	3250	$ 25.00	47	24	3500	$ 15.00
	6	3250	25.00		25	3500	15.00
	7	3250	25.00		26	3500	15.00
	8	3250	25.00		27	3500	15.00
	9	3250	25.00		28	3500	15.00
	10	3250	25.00		29	3500	15.00
	11	3250	25.00		30	3500	15.00
	12	3250	25.00		31	3500	15.00
	13	3500	15.00		32	3500	15.00
	14	3500	15.00	81	2	45999	30.00
	15	3500	15.00		3	45999	30.00
	16	3500	15.00	82	1	21466	15.00
	17	3500	15.00		2	21466	15.00
	18	3500	15.00		3	21466	15.00
	19	3500	15.00		4	21466	15.00
	20	3500	15.00		5	21466	15.00
	21	3500	15.00	88	2	20650	15.00
	22	3500	15.00		3	20650	15.00
	23	3500	15.00		4	20650	15.00
	24	3500	15.00		5	20650	15.00
	25	3500	15.00		6	20650	15.00
	26	3500	15.00	89	1	22480	15.00
	27	3500	15.00		2	22480	15.00
	28	3500	15.00		3	22480	15.00
	29	3500	15.00		4	22480	15.00
	30	3500	15.00		5	22480	15.00
	31	3500	15.00		6	22480	15.00
	32	3500	15.00		7	22480	15.00
47	1	3250	25.00		8	22480	15.00
	2	3250	25.00	90	1	22480	15.00
	3	3250	25.00		2	22480	15.00
	4	3250	25.00		3	22480	15.00
	5	3250	25.00		4	22480	15.00
	6	3250	25.00		5	22480	15.00
	7	3250	25.00		6	22480	15.00
	8	3250	25.00		7	22480	15.00
	9	3250	25.00		8	22480	15.00
	10	3250	25.00	91	1	20650	15.00
	11	3250	25.00		2	20650	15.00
	12	3250	25.00		5	20650	15.00
	13	3500	15.00		6	20650	15.00
	14	3500	15.00		7	20650	15.00
	15	3500	15.00		8	20650	15.00
	16	3500	15.00	92	1	20650	15.00
	17	3500	15.00		2	20650	15.00
	18	3500	15.00		3	20650	15.00
	19	3500	15.00		4	20650	15.00
	20	3500	15.00		5	20650	15.00
	21	3500	15.00		6	20650	15.00
	22	3500	15.00		7	20650	15.00
	23	3500	15.00		8	20650	15.00

Block	Lot	Area in Sq. Ft.	Appraisal	Block	Lot	Area in Sq. Ft.	Appraisal
95	1	44250	$ 30.00	98	5	20650	$ 15.00
96	1	20650	15.00		6	20650	15.00
	2	20650	15.00		7	20650	15.00
	3	20650	15.00		8	20650	15.00
	4	20650	15.00	99	1	22480	15.00
	5	20650	15.00		2	22480	15.00
	6	20650	15.00		3	22480	15.00
	7	20650	15.00		4	22480	15.00
	8	20650	15.00		5	22480	15.00
97	1	20650	15.00	100	1	22480	15.00
	2	20650	15.00		2	22480	15.00
	3	20650	15.00		7	22480	15.00
	4	20650	15.00		8	22480	15.00
	5	20650	15.00	101	1	20650	15.00
	6	20650	15.00		2	20650	15.00
	7	20650	15.00		3	20650	15.00
	8	20650	15.00		4	20650	15.00
98	1	20650	15.00		7	20650	15.00
	2	20650	15.00		8	20650	15.00
	3	20650	15.00				
	4	20650	15.00			Acres	
				112		32.66	350.00

29195

Circular No. 1565

Cir 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Section 192.17 is amended to read as follows:

192.17 Designation and offer of lands for lease by competitive bidding. Pursuant to the provisions of section 17 of the Act of February 25, 1920, as amended (49 Stat. 676; 30 U.S.C. 226), the unappropriated lands and deposits subject to disposition under the Act will be divided into leasing blocks or tracts in units of not exceeding 640 acres each, which shall be as nearly compact in form as possible, and offered for lease at a stated royalty and rental to the qualified person who offers to pay the highest bonus by competitive bidding either at public auction, as provided in sections 192.18, 192.19 and 192.20, or by sealed bids as provided in the notice of sale.

The first paragraph of Section 192.21 is amended to read as follows:

192.21 Action on application to lease lands in designated structures. Lands within known geologic structures of producing oil and gas fields as defined by the Geological Survey are subject to leasing only by competitive bidding under section 17 of the Mineral Leasing Act as amended by the Act of August 21, 1935 (49 Stat. 674; 30 U.S.C. 226), and no provision of the law or regulations authorizes applications to be filed for lease of such lands, nor are any rights gained by filing applications therefor.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: October 25, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1566

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 64 - HOMESITES OR HEADQUARTERS

Due to the change in procedure authorized by Departmental Order No. 1639 of January 17, 1942, establishing a Branch of Field Examination in the General Land Office, the first sentence of the last paragraph of 43 CFR 64.8 (Circular 1342, November 23, 1934), is amended to read as follows:

> "The report of the regional field examiner will be made to the Commissioner of the General Land Office."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: November 2, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1567

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

- - - -

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

SUBCHAPTER A - ALASKA

PART 64 - HOMESITES OR HEADQUARTERS

- - - - - - - -

January, 1948

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NOTE: Sections 64.1 to 64.5, inclusive, are based on regulations in Circular No. 191 approved February 24, 1928, and Sections 64.6 to 64.10, inclusive, on regulations in Circular No. 1342 approved November 23, 1934.

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES,
ON SHOWING AS TO EMPLOYMENT OR BUSINESS
IN ALASKA

Section 64.1 Statutory authority. The act of March 3, 1927 (44 Stat. 1364, 48 U.S.C. sec. 461) authorizes the sale as a homestead or headquarters of not to exceed 5 acres of unreserved public lands in Alaska, not including mineral, coal, oil or gas lands, at the rate of $2.50 per acre, to any citizen of the United States 21 years of age employed by citizens of the United States, associations of such citizens, or by corporations organized under the laws of the United States, or of any State or Territory, whose employer is engaged in trade, manufacture, or other productive industry in Alaska, and to any such person who is himself engaged in trade, manufacture or other productive industry in Alaska.

64.2 Purpose of statute. The purpose of this statute is to enable fishermen, trappers, traders, manufacturers, or others engaged in productive industry in Alaska to purchase small tracts of unreserved land in the Territory, not exceeding 5 acres, as homesteads or headquarters.

64.3 Use of lands. Care will be taken in all cases before patent issues to see that the lands applied for are used for the purposes contemplated by the said act of March 3, 1927, and that they are not used for any purpose inconsistent therewith.

64.4 Form and contents of applications. Applications under the act of March 3, 1927, must be filed in duplicate in the district land office within which the land is situated.

Each application must be sworn to by the applicant and must be corroborated by the affidavits of two witnesses, and must show the following facts:

(a) The age and citizenship of applicant.

(b) The actual use and occupancy of the land for which application is made for a homestead or headquarters.

(c) The date when the land was first occupied as a homestead or headquarters.

(d) The nature of the trade, business, or productive industry in which applicant or his employer, whether a citizen, an association of citizens, or a corporation, is engaged.

(e) The location of the tract applied for with respect to the place of business and other facts demonstrating its adaptability to the purpose of a homestead or headquarters.

(f) That no portion of the tract applied for is occupied or reserved for any purpose by the United States, or occupied or claimed by any natives

of Alaska, or occupied as a town site or missionary station or reserved from sale, and that the tract does not include improvements made by or in possession of another person, association, or corporation.

(g) That the land is not within a distance of 80 rods along any navigable water from any location theretofore made with soldiers' additional rights, or as a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection, or that it has been restored from reservation.

(h) That the land is not included within an area which is reserved because of springs thereon. All facts as to medicinal or other springs must be stated, in accordance with 43 CFR 82.2.

(i) That no part of the land is valuable for coal, oil, gas, or other valuable mineral deposits and that at the date of location no part of the land was claimed under the mining laws.

64.5 Procedure on application. In the matter of procedure, applications for homesteads or headquarters will be governed by 43 CFR, Part 81.

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES, WITHOUT SHOWING AS TO EMPLOYMENT OR BUSINESS IN ALASKA

64.6 Statutory authority. The act of May 26, 1934 (48 Stat. 809, 48 U.S.C. sec. 461) amended section 10 of the act of May 14, 1898 (30 Stat. 413), as amended March 3, 1927 (44 Stat. 1364), so as to provide that any citizen, after occupying land of the character described in said section as a homestead or headquarters, in a habitable house not less than 5 months each year for 3 years, may purchase such tract, not exceeding 5 acres, in a reasonably compact form, without a showing as to his employment or business, upon the payment of $2.50 per acre, the minimum payment for any one tract to be $10.

64.7 Form and contents of application. Applications under the act of May 26, 1934, must be filed in duplicate, if for surveyed land, and in triplicate, if for unsurveyed land, in the district land office for the district within which the land is situated. The applications must be in affidavit form, sworn to by the applicant, and corroborated by the affidavits of two persons familiar with the facts, and must show:

(a) Full name, post office address and age of applicant.

(b) Whether the applicant is a native-born or naturalized citizen of the United States, and if naturalized, evidence of such naturalization must be furnished.

(c) A description of the habitable house on the land, the date when it was placed on the land, and the dates each year from which and to which the applicant has resided in such house.

(d) That no portion of the tract applied for is occupied or reserved for any purpose by the United States, or occupied or claimed by any native of Alaska, or occupied as a town site, or missionary station, or reserved from sale, and that the tract does not include improvements made by or in the possession of any other person, association, or corporation.

(e) That the land is not located within a distance of 80 rods of any navigable waters, or that the land is not within a distance of 80 rods along any such waters, from any location theretofore made with a soldier's additional right, or trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection, or that it has been restored from reservation.

(f) That the land is not included within an area which is reserved because of hot, medicinal or other springs, as explained in 43 CFR 82.2. If there be any such springs upon or adjacent to the land, on account of which the land is reserved, the facts relative thereto must be set forth in full.

(g) That no part of the land is valuable for coal, oil, gas or other valuable mineral deposits, and that at the date of settlement no part of the land was claimed under the mining laws.

(h) That the applicant has not theretofore applied for land under said act, or if he has previously purchased a tract he should make a full showing as to the former purchase and the necessity for the second application.

(i) All applications for surveyed land must describe the land by aliquot parts of legal subdivisions, not exceeding 5 acres.

(j) All applications for unsurveyed land must be accompanied by a petition for survey, describing the land applied for with as much certainty as possible, without actual survey, not exceeding 5 acres, and giving the approximate latitude and longitude of one corner of the claim.

64.8 Action on application; survey; report. Upon receipt of the application the manager will note its filing, assign a current serial number thereto and transmit the original application, unallowed, together with the accompanying papers to the Bureau of Land Management, and the duplicate copy to the regional administrator for report. With each application the manager will report the status of the land as shown by his records. 1/

Where an application is for unsurveyed land, if the manager finds the showing satisfactory, and no objections appear of record, he will, if no shore space question is involved, transmit the triplicate copy to the District Cadastral Engineer, Public Survey Office, who, not later than the

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1/ Amended by Circular No. 1553, May 31, 1943.

next succeeding surveying season, will issue instructions for the survey of the land, without expense to the applicant. If a shore space question is involved the regulations governing free survey of homestead claims without expense to settler, as set forth in the last paragraph of 43 CFR 65.20 will govern.

The report of the regional administrator will be made to the Director of the Bureau of Land Management. The report should show the facts as to applicant's house and the occupancy of the land and whether the lands contain valuable deposits of coal, gas or other minerals; whether they have power or reservoir possibilities; whether they are within an area which is reserved because of hot, medicinal or other springs, and any other facts deemed appropriate. 2/

64.9 Publication and posting. In the matter of publication and posting these applications will be governed by the instructions given in connection with applications for soldiers' additional homestead entries as set out in 43 CFR 61.15, except that if a daily paper be designated, the notice should be published in the Wednesday issue for 9 consecutive weeks, and if a semiweekly, in either issue for 9 consecutive weeks.

64.10 Payment and final certificate. If, on examination of the application by the Bureau of Land Management, all be found regular, the manager will be directed to issue a final certificate, upon payment for the land, and in the absence of objections shown by his records.

2/ Amended by Circular No. 1566, November 2, 1943.

R. B

35526

Circular No. 1568

See Circ 840

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Section 192.14e Extension of five-year leases. Pursuant to the Act of December 22, 1943 (57 Stat. 608), the term of any five-year lease expiring prior to December 31, 1944, maintained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by the act of July 29, 1942 (56 Stat. 726), is extended to December 31, 1944.

Inasmuch as the statute requires that rentals must be paid annually in advance, no lease will be considered as extended under the provisions of the Act until rentals are paid to and including December 31, 1944. Compliance must be made with all other statutory requirements and regulations.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 181; 57 Stat. 608)

Fred W. Johnson
Commissioner.

Approved: February 8, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

105521

Office Copy

None in Stock.

Circular No. 1568a

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See No. 1840

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Sections 192.14d and 192.14e relating to an extension of the term of certain five-year leases are hereby amended and a new section is added to read as follows:

Sec. 192.14d Preference right of lessee to a new lease. Pursuant to section 1 of the Act of July 29, 1942 (56 Stat. 726), upon the expiration of the five-year term of any noncompetitive oil and gas lease issued for a period of five years and maintained in good standing under the law and the applicable regulations, the record title holder has a preference right over others to a new lease for the same land pursuant to the provisions of section 17 of the Act of February 25, 1920, as amended (49 Stat. 674, 30 U. S. C. 226), and under such rules and regulations as are then in force, to the extent that such land is outside of a known geologic structure of a producing oil or gas field on the date of the expiration of the lease, provided he files an application therefor within 90 days prior to the date of the expiration of the lease.

The lessee must, within the period beginning 90 days prior to the date of expiration of the lease and ending on the date of expiration, submit an application under oath in accordance with the regulations (43 CFR 192.23; Par. 10, Circ. 1386) accompanied by a proper filing fee (43 CFR 191.5) and the first year's rental (43 CFR 192.52 or 71.6).

Sec. 192.14e Extension of five-year leases. The Act of December 22, 1943 (57 Stat. 608), extends to December 31, 1944, the term of any five-year lease expiring prior to that date, maintained in accordance with the applicable

statutory requirements and regulations, to the extent that it embraces lands which on the date of the expiration of the lease are within a known geologic structure of a producing oil or gas field. The Act of September 27, 1944 (Public Law 442, 78th Congress), extends to December 31, 1945, the term of any such lease expiring prior to December 31, 1945, on the same conditions.

Inasmuch as the law requires that rentals must be paid annually in advance, no lease will be considered as extended under the provisions of the Acts until rentals are paid to the end of the extension period and compliance has been made with all other statutory requirements and regulations.

Sec. 192.14f Protection of lessee's right to preference lease and extension of lease. If the record title holder of any five-year noncompetitive oil and gas lease is uncertain whether all or any portion of the lands covered by his lease will fall within the known geologic structure of a producing oil or gas field on the date of the expiration of the lease, and is consequently uncertain whether to apply for a new lease under section 192.14d or to pay rental for an extension of his lease under section 192.14e with respect to the land in question, he may, in order to protect his rights, proceed under both sections with respect to the land in question as though it fell within the scope of both sections. Upon the determination of the proper category into which such land falls, it will be considered that the lessee has proceeded under the applicable section of the regulations, and refund will be made to him of any excess in rentals which he may have paid in proceeding under this section.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189; Sec. 1, 56 Stat. 726, 30 U. S. C. 226b; 57 Stat. 608, 30 U. S. C. 22 6b; Public Law 442, 78th Congress, 2d sess.)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: January 13, 1945

(Sgd) Oscar L. Chapman

Assistant Secretary.

37936

Circular No. 1569

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ 1807

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 160 - GRAZING LEASES

The regulations authorizing the issuance of grazing leases contained in Part 160 are amended as follows:

(a) Section 160.22 is amended by adding the following sentence at the end thereof: "Any agency of the Federal Government which needs lands embraced in a grazing lease for a governmental use other than one described in subsection 2(c) of the lease (160.30) and requests a permit, withdrawal, reservation, lease or patent shall be considered an applicant within the meaning of this section."

(b) The attached form of grazing lease, 4-722 a, is approved and substituted for the form contained in section 160.30.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 8, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

37936

To be executed in
quadruplicate

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

LEASE OF LANDS FOR GRAZING LIVESTOCK

Serial _____

This indenture of lease, entered into as of _____ by and between the United States of America, hereinafter called the lessor, by the Commissioner of the General Land Office, and _____ of
(Name of Applicant)
_____ , hereinafter called the lessee,
(Post-office Address)
pursuant and subject to the terms and provisions of section 15 of the act of Congress approved June 28, 1934 (48 Stat. 1269, 1275), as amended June 26, 1936 (49 Stat. 1976, 1978, 43 U.S.C. sec. 315m).

Witnesseth:

That the lessor, in consideration of the rents to be paid and the covenants to be observed, does hereby grant and lease to the lessee the exclusive right and privilege of using for grazing purposes the following-described land _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

containing approximately _____ acres, for a period of _____ years.

Section 1. In consideration of the foregoing, the lessee hereby agrees to:

(a) Pay the lessor as annual rental the sum of $_____. The rental may be adjusted at the end of the third year of the lease and at three-year intervals thereafter. If at the date of any adjustment of the rental, the lease will expire within less than three years, such adjustment shall be effective for the unexpired term of the lease. When the annual rental amounts to $10 or more, the lessee may elect to make payment in two equal installments. One-half of the first year's rental must be paid prior to the execution of the lease and the remaining one-half must be paid within six months after the date of execution. For the second and each succeeding year of the lease one-half of the rental must be paid on or before each anniversary of the lease and the unpaid balance must be paid within six months from said anniversary. When the annual rental is less

than $10, the first year's rental must be paid in full prior to the execution of the lease and annually thereafter on or before each anniversary of the lease.

(b) Use the lands in a manner that will not cause overgrazing or soil erosion, or be detrimental to the lands or the livestock industry.

(c) Observe the laws and regulations for the protection of game animals, game birds, and non-game birds, and not unnecessarily disturb such animals or birds.

(d) Comply with the provisions of the laws of the State in which the leased lands are situated with respect to the cost and maintenance of partition fences.

(e) Allow authorized representatives of the Department of the Interior at any time to enter the leased premises for the purpose of inspection, and allow Federal agents, including game wardens, at all times to enter the leased area on official business.

(f) Take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(g) Comply with all Federal and local laws regarding sanitation and take such other sanitary measures as may be necessary.

(h) Use no part of the leased premises for any purpose foreign to grazing.

(i) Retain ownership or control of any lands that have been recognized as the basis for a preference right.

Section 2. The lessor expressly reserves the right to:

(a) Permit prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources, the disposition of such resources under any laws applicable thereto, and permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations.

(b) Close portions of the leased area to grazing whenever, because of drought, epidemic or disease, incorrect handling of the stock, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition. However, such temporary closing of any area shall not operate to exclude such area from the boundaries of the lease.

(c) Reduce the leased area if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, town sites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. However, a proportionate reduction will be made in the annual rental charges.

(d) Classify and permit entry, selection, or location under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269, 1272) as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315f), of any part or all of the leased lands, provided that before the allowance of any application therefor the applicant shall agree, subject to the approval of the Commissioner of the General Land Office, to compensate the lessee in accordance with the regulations, 43 CFR 160.22. Any agency of the Federal Government which needs any part or all of the leased lands for a governmental use other than one described in subsection 2(c) and requests a permit, withdrawal, reservation, lease or patent shall be considered an applicant within the meaning of this subsection.

Section 3. It is further understood and agreed that:

(a) This lease is granted subject to valid existing rights and to all present and future rules and regulations of the Secretary of the Interior. Nothing herein contained shall restrict the acquisition, granting, or use of permits or rights-of-way under existing law.

(b) The lessee shall not sell or remove for use elsewhere any timber growing on the leased land but may take such timber thereon as may be necessary for the erection and maintenance of improvements required in the operation of this lease. Before taking timber, the lessee must obtain a permit in accordance with the regulations, 43 CFR 284.41.

(c) The lessee may construct, or maintain and utilize any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(d) Upon cancellation of this lease for any reason or upon termination thereof, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation or termination, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. The decision of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed three months from the date of cancellation or termination of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(e) If the lessee shall default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations now or hereafter in force, and such default shall continue 60 days after service of written notice thereof by the lessor, then the lessor may terminate and cancel this lease.

(f) The lessee shall not assign this lease or any interest therein, nor sublet any portion of the leased premises without the written consent of the Commissioner of the General Land Office.

(g) The leased lands shall be subject to entry for hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but in any event the Commissioner may prohibit or restrict or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leasehold and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purpose for which the lands are leased, that is, grazing.

(h) The lessee may, on consent of the Commissioner of the General Land Office first had and obtained, surrender and terminate this lease or any legal subdivision of the area included within the lease provided all rental payments due have been made.

(i) No Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his

continuance in office, and no officer, agent or employee of the Department of the Interior, other than members of the district advisory boards, appointed in accordance with section 18 of the Taylor Grazing Act, which was added by the act of July 14, 1939 (53 Stat. 1002, 43 U.S.C. sec. 315o-1) shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and that the provisions of section 3741 of the Revised Statutes and sections 114, 115, and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109, 18 U.S.C. sec. 204), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By_____
Commissioner of the General Land Office

_____

_____
Lessee.

Witnesses to signature of lessee:

_____

_____

Circular No. 1570 38293

See Circ. 1807

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 160 - GRAZING LEASES

The regulations authorizing the issuance of grazing leases contained in Part 160 are amended as follows:

Section 160.23 is amended by adding the following sentence at the end thereof: "In no lease, however, will the rental charge be fixed at less than $1.00 per annum."

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 21, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1571

Obsolete - Replaced by Circ. 1832

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 70 - MINERAL LANDS: COAL PERMITS AND LEASES AND PERMITS FOR FREE USE OF COAL

The coal regulations contained in the sections indicated below are amended as follows:

COAL LEASES

Section 70.10 Area. In accordance with the provisions of section 6 of the Act of October 20, 1914 (38 Stat. 743; 48 U. S. C. 440), as amended by the Act of February 21, 1944 (Public Law 231, 78th Congress), the total area that may be held by any one lessee in one or more leases is 2,560 acres, and no person, association, or corporation is permitted to take or hold any interest as a stockholder or otherwise in leases or applications therefor exceeding in the aggregate 2,560 acres. One or more contiguous leasing blocks within the acreage limitation may be embraced in one lease.

Section 70.11 Form and contents of application. Applications for lease must be under oath and should be filed in the proper district land office. No specific form of application is required and no blanks will be furnished, but the application should cover the following points:

(a) Applicant's name and address.

(b) Statement as to citizenship: In the case of an individual, whether native born or naturalized, and if naturalized, date of naturalization, court in which naturalized, and the number of certificate if known, and if a woman, whether married or single, and if married, the date of marriage and the citizenship of her husband; of a corporation, by showing the residence and citizenship of its stockholders and filing a certified copy of its articles of incorporation. In case any of the stockholders of the corporation are aliens, their names, record addresses and the amount of stock held by each is required to be shown.

(c) A statement showing all leases and applications under the Act in which the applicant has any interest, direct or indirect. If applicant is a corporation it must also list the holdings of any single holder of a majority of its stock.

(d) A description of the leasing block or blocks desired, and the applicant's experience in coal mining, the amount of capital proposed as an investment under the lease, and references as to the financial standing of the applicant.

(e) A statement showing that the applicant filed his application on his own behalf and if not, for whom he is acting and what agreement, if any, he has with such persons on whose behalf he may be acting.

CHANGE IN FOOTNOTE

The footnote No. 7, "COAL LEASES," for sections 70.8 to 70.18 of Title 43, is amended by eliminating therefrom the words "application (Form 4-031) and".

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 12, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

43420

Circular No. 1572

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Superseded by Circ 1585

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 115 - REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

REGULATIONS GOVERNING THE SALE OF TIMBER

Sec. 115.42 is amended to read as follows:

Sec. 115.42 Acceptance and rejection of bids. The right is hereby reserved to waive technical defects in the advertisement; to reject all bids, or to award the timber for the amount of the highest bid to other than the highest bidder when necessary, pursuant to the act of August 28, 1937 (50 Stat. 874), in order to provide a continued supply of timber to local industry so as to assure the permanence of the community which is dependent upon such industry. Any award to other than the highest bidder, irrespective of the amount involved, shall be submitted to the Secretary of the Interior for his approval.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: April 15, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Paper in Stock.

Office Copy

40306

Absolute

See No. 1840

Circular No. 1573

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Sections 192.76, 192.77 and 192.78 are amended to read as follows:

192.76 Application for renewal. An application to renew a 20-year lease for a period of 10 years should be filed in triplicate with the register of the district land office in which the leased land is located or if in a state in which there is no district land office, in the General Land Office at least 90 days, but not more than six months, prior to the expiration of its term. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all monies due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

The applicant or his operator shall furnish in triplicate with the application for renewal, copies of all agreements not heretofore filed providing for overriding royalties or other payments out of production from the lease which will be in existence as of the date of its expiration. When such payments, including overriding royalties, are in excess of 5 percent of gross production a detailed statement of the income from and costs of operation of the lease for the twelve month period immediately preceding the month in which the application for renewal is filed must also be furnished. The register will forward one copy of the application to the supervisor of oil and gas operations, Geological Survey, for the district in which the lands are located.

192.77 Report by Geological Survey. Upon receipt of a copy of the application for renewal, the oil and gas supervisor will report to the Director of the Geological Survey as to the effect of the overriding royalties or other payments out of production on the successful operation of the lease, the number and status of the wells drilled on the leasehold, the current rate of production, if any, whether the lessee has made full compliance with the operating regulations of the Geological Survey and, if not, the respects in which the lessee has failed to make compliance.

In reporting the facts with respect to overriding royalties or other payments, due consideration shall be given to the following: The cost of drilling, equipping, and operating the wells and the marketing of production, together with prevailing prices for production, the marketing facilities, the

cost of transportation, the possibilities of increasing production under wise and skillful management, including secondary recovery operations, the estimated reserves, and any other factors that may influence the costs and income from the lands leased. The Director will report these facts to the Commissioner, General Land Office, with such recommendation as he deems proper.

192.78 Action in General Land Office. The Commissioner of the General Land Office shall consider the application and report submitted by the Director of the Geological Survey. If the outstanding obligations payable from production do not constitute a burden on the lease prejudicial to the interests of the United States, they will not be considered a bar to its renewal but any lease that issues shall be upon the condition, to be incorporated in the lease, that if and when the costs of operations including the payment of overriding royalties or payments out of production shall be determined by the Secretary of the Interior to constitute such a burden such royalties and payments shall be reduced to not more than 5 percent of the value of the production. If no objection to the renewal of the lease appears to the Commissioner, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution. Upon receipt of the executed lease forms and a satisfactory lease bond the Commissioner shall then make his recommendation to the Secretary, and if the lease is executed by the Secretary, one copy thereof will be delivered to the lessee.

If a determination is made that overriding royalties and payments out of production in excess of 5 percent of gross production constitute a burden on lease operations to the extent that proper and timely development will be retarded, or continued operation of the lease impaired, or premature abandonment of the wells caused, the lease application will be suspended and the parties in interest will be offered an opportunity to reduce the excessive overriding royalties or other payments out of production to not more than 5 percent of the value of the production. In the event that the holders of outstanding overriding royalty or other interests payable out of production, the operator, and the lessee are unable to enter into a mutually fair and equitable agreement, any of the parties may apply for a hearing at which all interested parties may be heard and written statements presented. Thereupon a final decision will be rendered by the Department outlining the conditions acceptable to it as a basis for a fair and reasonable adjustment of the excessive overriding royalties and other payments out of production, and an opportunity will be afforded within a fixed period of time to submit proof that such adjustment has been effected. Upon failure to submit such proof within the time so fixed, the application for renewal will be denied.

Section revoked. Section 192.81a prescribed by Circular No. 1505 of March 9, 1942, is revoked.

November 12, 1943.

I concur:

(Sgd) Fred W. Johnson,

Commissioner.

(Sgd) Thomas B. Nolan,

Acting Director, Geological Survey.

Approved: April 20, 1944.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

Office Copy 41920

Circular No. 1574

Obsolete See No.s. 1722 and 1738

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 196 - PHOSPHATE LEASES

Sections 196.9, 196.10 and 196.12 are amended to read as follows:

Section 196.9 Notice of lease offer. The register of the appropriate district land office will be directed to publish notice of the offer of the lands or deposits for lease for a period of 30 days in a newspaper of general circulation to be designated by the Commissioner of the General Land Office in the county in which the lands or deposits are situated. Such notice shall state the place where and the date and hour on which bids will be received and shall describe the land, the amount of royalty and rental to be charged, the minimum investment required, and whether the sale of lease will be made by sealed bids or public auction at the time fixed to the qualified bidder offering the highest bonus for the privilege of leasing the lands or deposits on the terms therein set forth. A copy of the notice will also be posted in the district land office during the period of publication thereof. Publication of the offer will be at the expense of the Government.

All bidders at any public sale of leases are warned against committing any act by intimidation, combination, or unfair management, to hinder or prevent bidding thereat, in violation of section 59 of the Criminal Code of the United States, approved March 4, 1909 (35 Stat. 1099, 18 U. S. C. 113).

Section 196.10 Auction of lease. Where the lease is to be sold at public auction the register, at the time fixed in the notice, will offer the land or deposits for lease in that manner at his office on the terms and conditions fixed in the notice to the qualified bidder of the highest amount offered as a bonus for the privilege of leasing the land, subject to the approval of the Secretary of the Interior. Such high bidder must deposit with the register on the day of sale a certified check or cash, for one-fifth of the amount of his bid, such sum to be deposited by the register in his account "Deposits, unearned proceeds, lands, etc."

Section 196.12 Action by bidder. The high bidder will be allowed 30 days from date of auction or where sealed bids are submitted, within 30 days from receipt of notice that his bid has been accepted within which to file in the district land office (a) a lease, duly executed by him in quintuplicate in the form prescribed in section 196.14; (b) evidence of

qualifications as prescribed by section 196.6, unless such evidence has theretofore been filed; (c) the bond required by section 2 (b) of the lease, or United States bonds in lieu thereof under the Act of February 24, 1919 (40 Stat. 1148, 6 U. S. C. 15); and to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease, together with the required filing fee of $2, for each 160 acres of land, or fraction thereof, but in no case less than $10.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 13, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1575

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 210 - OFFICERS AND EMPLOYEES

Section 210.1 and the section centerhead are amended to read as follows:

"OFFICERS AUTHORIZED TO ADMINISTER OATHS IN
CERTAIN PUBLIC LAND CASES

"Section 210.1 Officers qualified; affidavit and certificate of official character required in certain cases. Oaths required under the homestead, preemption 1/, timber-culture 1/, desert-land, and timber and stone acts may, in States in which there is a land office, be made before the register or the acting register of the land office for the district embracing the land sought; or before any of the following officers inside the county, parish, or land district embracing the land sought, namely, a United States commissioner, a notary public, a judge, a clerk, or a prothonotary of a court of record, a deputy of such clerk or prothonotary, or a magistrate authorized by the laws of or pertaining to the State to administer oaths; or before any such officer outside the county and the land district embracing the land sought who because of geographic or topographic conditions may be the qualified officer nearest to the land or most accessible from it. In States in which there is no land office, the required oaths may be made before any qualified officer in the State. (Section 2294, Revised Statutes, as amended by the Acts of March 11, 1902, 32 Stat. 63, March 4, 1904, 33 Stat. 59, and February 23, 1923, 42 Stat. 1281, 43 U.S.C. 254, and as supplemented by the Acts of May 17, 1926, 44 Stat. 558, 43 U.S.C. 75a, and July 3, 1926, 44 Stat. 830, 5 U.S.C. 92a)

"The official character of any officer not using a seal of office, other than a register or an acting register, must be certified under seal by the clerk of the court having the record of his appointment and qualifications. If, in States in which there is a land office, an oath be administered outside the county and the land district embracing the land sought, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that the oath was made before an officer who because of geographic or topographic conditions was the qualified officer nearest to the land sought or most accessible from it. Such showing, however, will not be required as part of the final proof if the proof be taken in the town or city in which the newspaper printing the final proof notice is published.

1/ The preemption and timber-culture laws were repealed by the Act of March 3, 1891 (26 Stat. 1095; 43 U.S.C. 1181, 1197), with certain exceptions specified in that act.

"The papers in cases arising under the statutes above specified must be filed in the land office for the district embracing the land sought, if there be any such office; otherwise in the General Land Office in Washington, D. C. An application is not acceptable if executed more than 10 days before being deposited in the mails for filing in the appropriate office."

(R. S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: June 13, 1944

(Sgd) Oscar L. Chapman,

Assistant Secretary.

43692

Office Copy

Still in effect 5/27/54 BR

Circular No. 1576

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
SUBCHAPTER I - HOMESTEADS

PART 166 - ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

Section 166.19 is amended to read as follows:

"166.19 Execution of application. A homestead application for public lands in the continental United States must be prepared on blank forms prescribed for that purpose. In States in which there is a land office, the application must be sworn to before the register or the acting register of the land office for the district embracing the land sought; or before any of the following officers inside the county, parish, or land district embracing the land sought, namely, a United States commissioner, a notary public, a judge, a clerk, or a prothonotary of a court of record, a deputy of such clerk or prothonotary, or a magistrate authorized by the laws of or pertaining to the State to administer oaths; or before any such officer outside the county and the land district embracing the land sought who because of geographic or topographic conditions may be the qualified officer nearest to the land or most accessible from it. In States in which there is no land office, the application may be sworn to before any qualified officer in the State. (Section 2294, Revised Statutes, as amended by the Acts of March 11, 1902, 32 Stat. 63, March 4, 1904, 33 Stat. 59, and February 23, 1923, 42 Stat. 1281, 43 U.S.C. 254, and as supplemented by the Acts of May 17, 1926, 44 Stat. 558, 43 U.S.C. 75a, and July 3, 1926, 44 Stat. 830, 5 U.S.C. 92a)

"The official character of any officer not using a seal of office, other than a register or an acting register, must be certified under seal by the clerk of the court having the record of his appointment and qualifications. If, in States in which there is a land office, an application be executed outside the county and the land district embracing the land sought, the applicant must show by

affidavit, satisfactory to the Commissioner of the General Land Office, that the oath was made before an officer who because of topographic or geographic conditions was the qualified officer nearest to the land sought or most accessible from it. Such showing, however, will not be required as part of the final proof if the proof be taken in the town or city in which the newspaper printing the final proof notice is published.

"An application must be filed in the land office for the district embracing the land sought, if there be any such office; otherwise in the General Land Office in Washington, D. C. An application is not acceptable if executed more than 10 days before being deposited in the mails for filing in the appropriate office."

(R. S. 453, 2478; 43 U.S.C. 2, 1201)

CROSS REFERENCE: For officers qualified to administer oaths to homestead applicants for lands in Alaska, see Section 65.7.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 13, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Office Copy

44784

Still in effect 5/27/54 BB

Circular No. 1577

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 195 - SODIUM PERMITS AND LEASES

Sections 195.17, 195.18 and 195.20, are amended to read as follows:

Sec. 195.17 Notice of lease offer. The register of the appropriate district land office will be directed to publish notice of the offer of the lands or deposits for lease for a period of 30 days in a newspaper of general circulation to be designated by the Commissioner of the General Land Office in the county in which the lands or deposits are situated. Such notice shall state the place where and the date and the hour on which bids will be received, and shall describe the land, the amount of royalty and rental to be charged, the minimum investment required, and whether the sale of lease will be made by sealed bids or public auction at the time fixed to the qualified bidder offering the highest bonus for the privilege of leasing the lands or deposits on the terms therein set forth. A copy of the notice will be posted in the district land office during the period of publication thereof. Publication of the offer will be at the expense of the Government.

All bidders at any public sale of leases are warned against committing any act by intimidation, combination, or unfair management, to hinder or prevent bidding thereat, in violation of section 59 of the Criminal Code of the United States, approved March 4, 1909 (35 Stat. 1099; 18 U.S.C. 113).

Sec. 195.18 Auction of lease. Where the lease is to be sold at public auction the register, at the time fixed in the notice, will offer the land or deposits for lease in that manner at his office on the terms and conditions fixed in the notice to the qualified bidder of the highest amount offered as a bonus for the privilege of leasing the land, subject to the approval of the Secretary of the Interior. The high bidder must deposit with the register on the day of sale a certified check or cash, for one-fifth of the amount of his bid, such sum to be deposited by the register in his account "Deposits, unearned proceeds, lands, etc."

Sec. 195.20 Action by bidder. The high bidder will be allowed 30 days from date of auction or where sealed bids have been submitted, 30 days from receipt of notice that his bid has been accepted within which to file in the district land office (a) a lease, duly executed by him in quintuplicate in the form herein prescribed; (b) evidence of qualifications as prescribed in section 195.24, unless such evidence has theretofore been filed; (c) the bond required by section 2 (b)

of the lease, or United States bonds in lieu thereof under the Act of February 24, 1919 (40 Stat. 1148; 6 U.S.C. 15); and to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease, together with the required filing fee of $2, for each 160 acres of land, or fraction thereof, but in no case less than $10.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 13, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1578 - Obsolete - See Director's memo. of 2/16/49.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 191 - GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES.

SURRENDER OF LEASES

Section 191.15. Computation of rental on surrender of lease. It is provided in the act of November 28, 1943 (57 Stat. 593), as follows:

"That the Secretary of the Interior is authorized to accept the surrender of any lease issued pursuant to any of the provisions of the Act of February 25, 1920 (41 Stat. 437, 30 U. S. C. sec. 181 and the following), or an amendment thereof, where the surrender is filed in the General Land Office subsequent to the accrual but prior to the payment of the yearly rental due under the lease, upon payment of the accrued rental on a pro rata monthly basis for the portion of the lease year prior to the filing of the surrender. The authority granted to the Secretary of the Interior by this Act shall extend only to cases in which he finds that the failure of the lessee to file a timely surrender of the lease prior to the accrual of the rental was not due to a lack of reasonable diligence, but it shall not extend to claims or cases which have been referred to the Department of Justice for purposes of suit."

The Act applies to surrenders of leases filed before or after its enactment. Subject to compliance with all other applicable provisions of the lease, any lessee desiring to obtain the relief provided for should file, in addition to his surrender of the lease, a statement under oath setting forth in detail the facts tending to show that the delay in filing the surrender was not due to any lack of reasonable diligence. The statement should be corroborated by the affidavits of at least two disinterested persons conversant with the facts. The lessee also must tender a sum of money sufficient to pay all accrued rentals on a pro rata monthly basis, to and including the month in which the surrender is filed.

The surrender must be filed in triplicate if the lessee desires a counterpart returned; otherwise, it should be filed in duplicate.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: June 20, 1944

(Sgd) Oscar L. Chapman,
Assistant Secretary.

Circular 1-3, 1976

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

BOOK OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 1[illegible] - GENERAL LEASE PROVISIONS APPLICABLE TO
[illegible] FEDERAL, INDIAN AND [illegible]

SURRENDER OF LEASES

Section 1[illegible].15. Consideration of rental on surrender of leases. It is provided in the act of November 26, 1940 (54 Stat. 1271), as follows:

"Not the Secretary of the Interior is authorized to accept the surrender of any lease issued pursuant to any of the provisions of the act of February 25, 1920 (41 Stat. 437, 30 U. S. C., secs. 181 and the following), or as amended thereof, where the surrender is filed in the General Land Office subsequent to the rental but prior to the payment of the yearly rental due under the lease, upon payment of the accrued rental on a pro rata monthly basis for the portion of the lease year prior to the filing of the surrender. The authority granted to the Secretary of the Interior by this act shall extend only to cases in which a finding that the failure of the lessee to file a timely surrender of the lease prior to the accrual of the rental was not due to a lack of reasonable diligence, but it shall not extend to claims or cases which have been referred to the Department of Justice for purposes of suit."

The act applies to surrenders of leases filed before or after its enactment. Subject to compliance with all other applicable provisions of the lease, the lessee desiring to obtain the relief provided for should file, in addition to his surrender of the lease, a statement under oath setting forth in detail the facts showing that the delay in filing the surrender was not due to any lack of reasonable diligence. The statement should be corroborated by the affidavits of at least two disinterested persons conversant with the facts. The lessee also must tender a sum sufficient to pay all accrued rentals on a pro rata monthly basis, to and including the month in which the surrender is filed.

The surrender must be filed in triplicate if the lessee desires a counterpart returned; otherwise, it should be filed in duplicate.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189)

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 27, 1946

(Sgd) Oscar L. Chapman,

Assistant Secretary.

None in Stock

Office Copy

45154

Circular No. 1579

Sec No. 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS; INTERIOR

PART 192 - OIL AND GAS LEASES

Section 192.16 and paragraph (g) of Section 192.23, relating to applications for oil and gas leases, are hereby amended, effective on the date of publication hereof in the Federal Register, to read as follows:

192.16 Payments required with applications for leases without competitive bidding. The applicant for oil and gas lease must pay the filing fee and at least one-half of the first year's rental on the approximate area of the land described in the application (43 CFR 191.5, 192.52) at the time the application is filed. Any application not accompanied by such payments will be rejected by the register.

192.23(g) A statement that payment of the filing fee and one-half of the first year's rental is submitted with the application, and that the applicant is ready, upon demand, to pay the remainder of the rental and to furnish such bond or bonds as may be required under the lease or regulations.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: July 7, 1944

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1580

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
PART 250 - PUBLIC SALES

Sections 250.7, 250.17 and 250.20 are amended to read as follows:

250.7 Effect of application. The filing of an application under section 2455 of the Revised Statutes as amended (43 U. S. C. 1171) in conformity with the regulations in this part will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid right which has attached under any pending entry or location. However, until the issuance of a certificate of sale, the Secretary may at any time determine that the lands should not be sold, the applicant or any bidder has no contractual or other rights as against the United States, and no action taken prior to the issuance of the certificate will create any contractual or other obligation of the United States.

250.17 Preference right of owner of contiguous lands; failure to exercise right. Where lands have been authorized to be sold under the body of section 2455 of the Revised Statutes, as amended (43 U. S. C. 1171), and the highest bidder has been named, if the amount of his bid is paid immediately to the register, he will then declare the bidding closed subject to the preference right of purchase by owners of contiguous land. The amount tendered will be held in the unearned account of the register, and the register will notify the bidder that if within 30 days from the date of his bid no owner or owners of contiguous lands shall apply to purchase the lands at such highest bid price, but at not more than three times the appraised price if such highest bid be more than three times such appraised price, he may be declared the purchaser.

250.20 Award to preference right claimant or to highest bidder, where preference right is not asserted. The preference right granted by the first proviso of section 2455 of the Revised Statutes, as amended (43 U. S. C. 1171), is limited to owners of contiguous lands. Applicants for such preference right must be supported by proof of the applicant's ownership of the whole title of the contiguous lands; that is, he must show by affidavit that he has the title in fee. If a preference right is asserted or if conflicting preference rights are asserted, and there is an

amicable agreement between the parties, and all other necessary evidence and money has been tendered by the respective parties, the register will make the award, at the same time returning the amount on deposit to the credit of the highest bidder with notice that the land has been sold to the preference right claimant. In no event can the land be sold until the end of the 30 days preference right period.

If, at the end of the 30 days preference right period, no assertion of preference right is made, the sale will be declared closed and the highest bidder may be declared the purchaser.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: July 1, 1944

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Office Copy

47978

None in Stock

Still in effect 5/28/54 AB.
See Circ 1551

Circular No. 1581
UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 216 - PAYMENTS

Section 216.18 of Title 43 is hereby amended by adding thereto a paragraph reading as follows:

> "Where a register finds that his employees, for any reason, are unable to transcribe the testimony in contest cases which are set before him, and that he cannot obtain a competent clerk to do the work at the rates hereinabove specified, he may authorize the procurement of a qualified stenographer, following the regular contract procedure. The costs will be apportioned by the register in accordance with the Rules of Practice (43 CFR 221.53-221.60)."

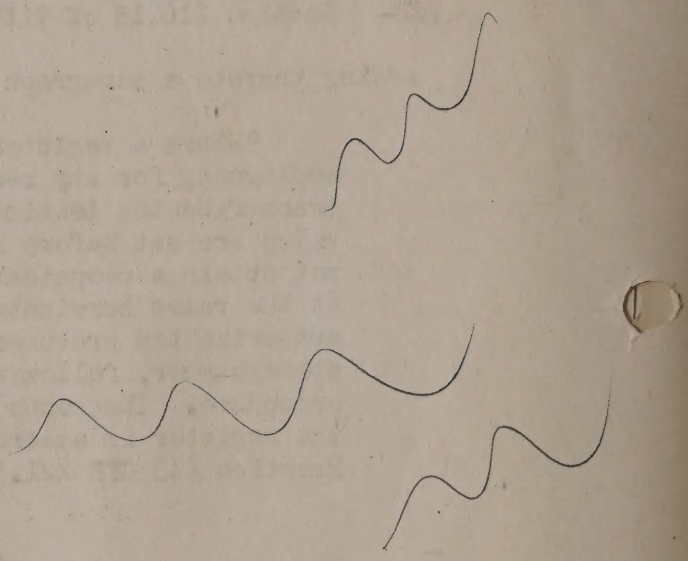
(Sgd) Fred W. Johnson,

Commissioner,

Approved: August 25, 1944

(Sgd) Oscar L. Chapman,

Assistant Secretary.



Obsolete
Replaced by Circ. 1788

Circular No. 1582

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 193 - COAL PERMITS, LEASES AND LICENSES

Section 193.2 and Paragraph (b) of Section 193.7 are amended to read as follows:

193.2 Qualifications of applicants. Leases and prospecting permits may be issued to citizens of the United States, associations of citizens, and corporations organized under the laws of the United States or any State or Territory thereof, including a company or corporation operating a common-carrier railroad, and to municipalities. Limited licenses or permits for the mining of coal may be issued to citizens, associations of citizens and municipalities.

In accordance with the provisions of section 27 of the Act of February 25, 1920, as amended by the Act of April 30, 1926 (44 Stat. 373, 30 U. S. C. 184), and acts supplemental thereto, every applicant for coal permit or lease other than a company or corporation operating a common-carrier railroad, must show that, with the area applied for, his or its interest or interests in such permits, leases and other applications therefor, directly or indirectly, do not exceed in the aggregate 2,560 acres in any one State.

In accordance with the provisions of section 2 of the Act of February 25, 1920, as amended by the Act of June 13, 1944 (Public Law 336, 78th Congress), every company or corporation operating a common-carrier railroad must make affidavit that it needs the coal for which it seeks a permit or lease for its own use for railroad purposes; that it operates main or branch lines in the State in which the lands involved are located; that the aggregate acreage in the permits, leases and applications therefor in which it is interested directly or indirectly does not exceed 10,240 acres; and that it does not hold more than one permit or lease for each 200 miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

193.7 (b) Statement showing qualifications of petitioner to take a coal lease under the Act; proof of citizenship to be made by affidavit if native born; if naturalized, to be made as provided for in Sections 137.1, 137.2; if a corporation, by certified copy of the articles of incorporation; if a municipality, a showing of (1) the law or charter and procedure taken by which it became and exists a legal body corporate, (2) that the taking of a permit or lease is authorized under such law or charter, and (3) that the action proposed has been duly authorized by the governing body of such municipality; and the applicant must file evidence as to his or its qualifications to hold such a permit or lease, as prescribed by Section 193.2. A corporation must also submit a showing as to the residence and citizenship of its stockholders.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: September 1, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

48824

See Circ. 1807

Circular No. 1583

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 160 - GRAZING LEASES

Section 160.13 of the regulations authorizing the issuance of grazing leases is amended to read as follows:

"A lessee who desires to continue to lease the lands involved must file in triplicate a petition for renewal of the lease on Form 4-725. The petition should be filed approximately ninety days prior to the expiration of the existing lease and may include a request for the consolidation of other outstanding grazing leases held by the lessee. No filing fee will be required in connection with the petition for such renewals. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the petition."

(Sgd) Fred W. Johnson,
Commissioner.

Approved: September 8, 1944.

(Sgd) Oscar L. Chapman,
Assistant Secretary.

49334

Circular No. 1584

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 270 - STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL, AND PARK PURPOSES

As no selections were made by the State of California under the Act of June 29, 1936 (49 Stat. 2027), during the five-year period specified by the Act for filing selections, and as such five-year period has expired, Part 270 of Title 43 is amended by deleting therefrom sections 270.47 to 270.50, inclusive.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: August 18, 1944
(Sgd) Oscar L. Chapman,
Assistant Secretary.

Office Copy

49506

CIRCULAR NO. 1585.

Superseded by Circ. 1837

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 115 - REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

REGULATIONS GOVERNING THE SALE OF TIMBER

Sec. 115.42 is amended to read as follows:

Sec. 115.42 Acceptance and rejection of bids.

The right is hereby reserved to waive technical defects in the advertisement; to reject all bids, or to award the timber for the amount of the highest bid to the next highest qualified bidder when the officer authorized to approve the contract shall deem the high bidder unqualified to fulfill the contractual requirements of the advertisement, or to other than the highest bidder when necessary, pursuant to the Act of August 28, 1937 (50 Stat. 874), in order to provide a continued supply of timber to local industry, so as to assure the permanence of the community which is dependent upon such industry. Any award to other than the highest bidder, irrespective of the amount involved, shall be submitted to the Secretary of the Interior for his approval.

(Sgd) Fred W. Johnson

Commissioner.

Approved: September 23, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

101375

Still in effect 5/28/54

Circular No. 1586

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

SUBCHAPTER Y - WATERS
PART 292 - PUBLIC WATER RESERVES

In order to show the change in procedure authorized by the Secretary of the Interior by Order No. 1961 of June 27, 1944, the regulations relating to leasing of public lands near or adjacent to springs, for bath houses, hotels, or other improvements, contained in Part 292, are amended as follows:

In sections 292.20(d) and 292.21, the words "Commissioner of the General Land Office" are substituted for the words "Secretary of the Interior."

Sections 292.25 and 292.26 are amended to read:

"292.25 Granting of lease is discretionary. The granting of an application for lease is discretionary, and any application may be granted or denied in part or in its entirety as may appear to be warranted in the particular case.

"292.26 Appeals. Any party aggrieved by any action of the Commissioner of the General Land Office may appeal to the Secretary of the Interior, pursuant to the Rules of Practice (43 CFR, Part 221)."

Fred W. Johnson
Commissioner.

Approved: October 21, 1944

Oscar L. Chapman
Assistant Secretary.

G.R. B

102477

Circular No. 1587

Absolete - Replaced by Circ. 1788

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 193 - COAL PERMITS, LEASES AND LICENSES

Sections 193.9, 193.10, 193.11, 193.13, and 193.14, relating to local leases, are hereby amended to read as follows:

193.9 Action on petitions after receipt in the General Land Office. If the terms offered by the petitioner for lease of the land or deposits are considered tentatively acceptable as minimum terms for such land or deposits, the examination, classification, and blocking of the area into leasing unit or units will be directed. If it be found thereby that the land or deposits desired by the petitioner constitutes a suitable unit, and the terms offered by him are considered acceptable therefor, the land or deposits will be advertised for lease to the bidder offering the highest bonus for such lease on the same terms. But if it be found, as a result of such examination and blocking out, that the area does not constitute an acceptable leasing unit, or if the royalty offered or investment contemplated, is considered inadequate, the petitioner will be so advised, and also of the form and area in which the land or deposits will be leased and the minimum terms on the basis of which lease will be offered for sale, whereupon the petitioner will be permitted to amend his offer to meet the terms required. If the offer is so amended, the leasing units will be advertised

for lease to the bidder offering the highest bonus; but if no bidder offers a bonus, the lease, in the discretion of the Secretary, may be awarded to the petitioner. In case the petitioner fails to make a satisfactory minimum lease offer, the leasing unit may or may not be offered for lease, in the discretion of the Secretary of the Interior.

193.10 Notice of offer. When any coal lands are divided into leasing tracts, the appropriate district land office will be advised thereof, whereupon the register will publish a notice for a period of 30 days in a newspaper of general circulation in the county in which the lands or deposits are situated, of the offer of the land for lease, and the place where, and the date and hour on which bids will be received. The notice shall describe the land, state the amount of royalty and rental to be charged, the minimum investment required, and whether the sale of lease will be made by sealed bids or public auction at the time fixed to the qualified bidder offering the highest bonus for such privilege on the terms set forth. A copy of the notice will also be posted in the land office during publication thereof. Publication of the offer will be at the expense of the Government.

All bidders at any public sale of leases are warned against committing any act by intimidation, combination, or unfair management, to hinder or prevent bidding thereat, in violation of section 59 of the Criminal Code of the United States, approved March 4, 1909 (35 Stat. 1099; 18 U. S. C. 113).

193.11 Auction of lease. Where the lease is to be sold at public auction the register, at the time fixed in the notice, will offer the land or deposits for lease in that manner at his

office on the terms and conditions fixed in the notice, to the qualified bidder of the highest amount offered as a bonus for the privilege of leasing the land, subject to the approval of the Secretary of the Interior. The high bidder must deposit with the register on the day of sale a certified check or cash for one-fifth of the amount of his bid, such sum to be deposited by the register in his account "Deposits, unearned proceeds, lands, etc."

193.13 Action by bidder. The high bidder will be allowed 30 days from date of auction or, where sale is by sealed bids, from date of notice within which (1) to file in the district land office (a) a lease duly executed by him in quintuplicate in the form prescribed in section 193.16; (b) evidence of qualifications as prescribed by section 193.7(b), unless such evidence has theretofore been filed; (c) the bond required by section 2(b) of the lease, or U. S. Bonds in lieu thereof, under the Act of February 24, 1919 (40 Stat. 1148; 6 U. S. C. 15); and (2) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease, together with the required filing fee of $2 for each 160 acres of land, or fraction thereof, but in no case less than $10.

193.14 Action by register after notice to bidder. At the end of the 30 days allowed the high bidder, or sooner if the requirements of the preceding section be complied with by him, the register will forward to the General Land Office by special letter all papers with full report of action taken. In case of default, the amount deposited by the bidder will be forfeited and disposed of as other receipts under the act of February 25, 1920.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: November 14, 1944

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1588

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 181 - PUBLIC LAND RIGHTS OF SOLDIERS AND SAILORS

SPECIAL RIGHTS OF VETERANS OF WORLD WAR II IN CONNECTION WITH THE PUBLIC LANDS

Sec.
181.36 Statutory authority
181.37 Homestead entry by veteran; credit for military or naval service; computation of service
181.38 Homestead entry by widow, or minor orphan children, of veteran
181.39 Patent to minor orphan child, or children, on entry made by veteran or his widow
181.40 Preference right of application to veterans

AUTHORITY: Secs. 181.36 to 181.40, inclusive, issued under Act of September 27, 1944 (Public Law 434 - 78th Congress).

SPECIAL RIGHTS OF VETERANS OF WORLD WAR II IN CONNECTION WITH THE PUBLIC LANDS

Section 181.36 - Statutory authority. The Act of September 27, 1944 (Public Law 434 - 78th Congress), grants to veterans of World War II, certain benefits in connection with the public lands, in addition to those conferred by the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (54 Stat. 1178, 1186, 56 Stat. 769, 776; 50 U.S.C. App. 560-572) and the regulations thereunder, contained in Sections 181.20 - 181.34 (Circ. No. 1481, November 23, 1940). The benefits conferred by the Act of 1940 in connection with the public lands relate for the most part to rights initiated or acquired under the public land laws prior to the entrance of the claimant into the military or naval service. The benefits granted by the Act of 1944, are set forth in Sections 181.37 to 181.40, inclusive.

181.37 - Homestead entry by veteran; credit for military or naval service; computation of service. Any person who has served or may serve in the military or naval forces of the United States for a period of at least ninety days during World War II, and is honorably discharged, and who makes homestead entry subsequent to such discharge,1/ is entitled to have the period of his military or naval service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit will be allowed for two years' military or naval service, without reference to the length of time the veteran may have served, (a) if such veteran is discharged on account of wounds received or disability incurred in line of duty, or (b) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such wounds or disability.

The entrance of the United States into World War II commenced with the declaration of war against Japan, made by Resolution of December 8, 1941 (55 Stat. 795; 50 U.S.C. App. IV).

In computing the period of the service, the entrance of the veteran into the service will be considered as dating from the time of voluntary entrance of privates into the Army, Navy, or Marine Corps, or appointment of officers (including those appointed from the Officers' Training Corps); in the case of a person enlisted in the Naval Reserve, from the time he was called into active service; in the case of a drafted man, from the time he was mustered into the service; and in the case of members of the Federalized National Guard, from the time they were mustered into the United States service (the law has no applications to other State troops).

An honorable discharge within the meaning of the Act of September 27, 1944, shall mean (a) the separation of the veteran from the service by any means other than a dishonorable discharge, (b) the transfer of the veteran from active war service to a reserve or retired status prior to the termination of the war or (c) the ending of the period of the veteran's war service by reason of the termination of the war, even though the veteran remains in the military or naval service.

A veteran with 19 months or more military service will be required to reside on the land at least 7 months during the first entry year; with more than 12 and less than 19 months, he must reside on the land 7 months during the first year and such part of the second year as, added to his excess over 12 months'

1/ A homestead application for public lands in the continental United States not classified for homestead entry must be accompanied by a petition for the classification of the lands. There is no right to occupy such lands unless the lands are classified for homestead entry and the application is allowed. Information concerning homestead entries is contained in General Land Office Bulletin No. 3.

service, will equal 7 months, and must cultivate one-sixteenth of the area the second year; with 7 and not more than 12 months, he must reside upon the land 7 months during each of the first and second years, and cultivate one-sixteenth of the area the second year; with 90 days and less than 7 months he must reside upon the land 7 months during each year for the first and second years, and such part of the third year as, added to his service, will equal 7 months, and cultivate one-sixteenth of the area the second year and one-eighth the third year; and with less than 90 days' service, will receive no credit therefor in lieu of residence and cultivation, except that a disabled veteran entitled to claim credit for military or naval service, as indicated above, will be given credit for two years' service. If the veteran delays the submission of proof beyond the period of residence required, the cultivation necessary for the years elapsing before the submission of proof must be shown. He may apply for and receive a reduction in the area to be cultivated, in the same manner and under the conditions required of other applicants. He must show, in any entry under the homestead laws, that he had a habitable house on the land at the date of submitting proof. No patent will issue to any veteran who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year.

A person claiming the benefit of military or naval service must file in support of such claim a certified copy of his discharge, showing when he entered the service, when he was discharged, and the organization in which he served, or the affidavit of two reputable, disinterested witnesses, corroborative of the allegations contained in his affidavit on these points. If such evidence can not be furnished, the veteran's affidavit showing why this can not be done and setting forth the facts as to his military or naval service will be given consideration. (Sec. 1, Act of Sept. 27, 1944)

181.38 - Homestead entry by widow, or minor orphan children, of veteran. In the case of any deceased person who, if living, would be entitled to the benefits of the provisions of Section 181.37 (one who died possessed of a homestead right), then the benefits enumerated in that section accrue to his widow, if unmarried, or, in the event of her death or remarriage, to his minor orphan child, or children, by a guardian duly appointed and officially accredited at the Department of the Interior.

An entry made by such widow or guardian is subject to the provisions of Section 181.37 respecting compliance with the provisions of the homestead laws for a period of at least one year.

In the case of a widow, the prescribed evidence of military service of the husband must be furnished together with an affidavit showing (a) the facts as to any homestead entry made by him, (b) the date of the husband's death, and (c) that the widow has not remarried.

Where a homestead entry is made in behalf of the minor orphan child, or children, of a veteran, in addition to the prescribed evidence of military service of the father, satisfactory evidence must be furnished showing (a) the facts as to any homestead entry made by the father, (b) the death of the father and the death or remarriage of the mother, and (c) the name, address, and age of each such minor. Evidence of death may be the testimony of two witnesses or a physician's certificate, duly attested. Evidence of marriage may be a certified copy of the marriage certificate or of the record of same, or testimony of two witnesses to the marriage ceremony. (Sec. 2, Act of Sept. 27, 1944)

181.39 - Patent to minor orphan child, or children, on entry made by veteran or his widow. Where after making a homestead entry and before completing title a veteran dies unsurvived by a widow, or where the widow of a veteran makes homestead entry and dies before completing title, their surviving minor orphan child, or minor orphan children, will be entitled to receive a patent upon the submission of satisfactory proof showing such facts, without any proof as to compliance with the law in the matter of residence, cultivation or improvements. (Sec. 3, Act of Sept. 27, 1944)

181.40 - Preference right of application to veterans. Section 4 of the Act of September 27, 1944, grants a preference right of application to veterans of World War II for whose service credit is given, as explained in Section 181.37, for a period of 10 years following the date of the enactment of the Act, "on the revocation of any order of withdrawal." Under the authority so conferred, these veterans will be accorded a preferred right for a period of ninety days to file applications under the homestead or desert land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), subject to the requirements of applicable law, as hereinafter explained.

Except as against the prior existing valid settlement rights and preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, the preference right is construed to extend to all cases where the lands are withdrawn or withheld from application under the public land laws, and where, by an order, they are opened or restored to such application. The preference right provisions apply where (a) lands not

subject to application become subject thereto by reason of the filing of township plats of survey or resurvey, (b) lands are restored from an order of withdrawal or reservation, (c) lands not classified for entry under the homestead laws, or the Small Tract Act of June 1, 1938, cited above, are classified by the Secretary of the Interior on his own motion for such application, (d) lands are restored from segregation under the Carey Act, (e) lands patented to a State under the Carey Act are reconveyed to the United States by the State, (f) lands are reconveyed to the United States as a result of court proceedings or a demand for reconveyance, (g) lands are conveyed to the United States by the State or a private owner in an exchange of lands, except where the acquired lands are situated in a national forest, a national park or an Indian reservation, or in any other reservation which precludes the filing of an application therefor under the public land laws, (h) lands in national forests are opened under the Act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506-509), and (i) Indian lands withheld from application are opened thereto. The preference right provisions do not apply where (a) lands were open to application on the date of the approval of the Act, and they continue to occupy the same status, (b) lands are embraced in an entry which is canceled by contest, or by reason of the expiration of the statutory period, (c) lands are embraced in an entry or selection and under the law the lands become subject to application upon the filing of a relinquishment of the entry or selection in the land office, except lands in entries made under the Act during the preference right period, which are relinquished before the expiration of the period, which may be applied for only by veterans during such period, or (d) a restoration from withdrawal is made for the benefit of a particular individual or State, based upon equitable considerations or the public interests. (Sec. 4, Act of Sept. 27, 1944)

Fred W. Johnson

Commissioner.

Approved: December 7, 1944

Oscar L. Chapman

Assistant Secretary.

Circular No. 1589

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

The second sentence of section 192.42d contained in Circular 1504, approved March 9, 1942, and the second sentence of subsections 2(p) of the standard lease form 4-208f (43 CFR 192.28; Circ. 1552, May 31, 1943) and of the renewal lease form 4-973 (43 CFR 192.84, Circ. 1504, March 9, 1942) are each amended to read as follows:

> All assignments must be submitted in triplicate within 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto.

(Sgd) Fred W. Johnson,

Commissioner.

I concur: December 2, 1944.

(Sgd) W. E. Wrather,

Director, Geological Survey.

Approved: December 12, 1944.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

104299

Office Copy

Circular No. 1590

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

Still in effect 5/27/54 BB

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS - INTERIOR

SUBCHAPTER I - HOMESTEADS

PART 166 - ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

The first paragraph of Section 166.43 is amended to read as follows:

166.43 Conditions under which requirements as to cultivation may be reduced. The requirements as to cultivation may be reduced if the land entered is so hilly or rough, the soil so alkaline, compact, sandy, or swampy, or the precipitation of moisture so light as not to make cultivation of the required amounts practicable, or if the land is generally valuable only for grazing. When action is taken on an application for a reduction of the required area of cultivation, consideraton will be given all the attendant facts and circumstances, and if it appears that at the date of the initiation of the claim the conditions were such as to indicate to a prudent person that cultivation of the required acreage was not reasonably practicable or that there was a lack of good faith on the part of the claimant in making the entry, the application will be subject to rejection. An application for reduction must be filed at the proper district land office on the form prescribed therefor, and should set forth in detail the special conditions on which the claim to a reduction is based .

The section is also amended by adding at the end thereof the following paragraph:

Applications for reduction in area of cultivation will be acted upon by the Commissioner of the General Land Office, who may in appropriate cases defer action until final proof, but his decision in granting or refusing applications for reduction in area shall be subject to review, upon appeal, by the Secretary of the Interior.

(Sgn) Fred W. Johnson,

Commissioner.

Approved: December 14, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1591

REGULATIONS FOR THE SALE OF UNSOLD LOTS
IN THE TOWNSITE OF HARDING, FLORIDA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The unsold lots in the townsite of Harding, Florida, will be offered for sale at not less than their appraised values, to the highest bidders, under authority of Section 2381 of the Revised Statutes (43 U.S.C. sec. 712).

2. Time and Place of Sale. The sale will be held at the townsite of Harding, commencing at 10 a. m., on Friday, February 23, 1945.

3. Lots and Prices. The lots, and the appraised prices, which are the minimum amounts at which the lots will be offered, are shown below:

Block	Lot	Appraisal
3	4	$ 5,000.00
4	1	3,500.00
5	6	2,500.00
7	14	3,800.00
8	2	5,000.00
10	4	20,000.00
10	11	18,000.00

4. Bids. Bids may be made in person or by agent but not by mail. Any person may purchase any number of lots for which he is the highest bidder.

5. Terms. Purchasers will be required to pay all cash at the time of sale or one-third cash and the balance in two equal annual installments, with interest on the deferred payments at the rate of 4 per cent per annum, until paid. The highest bidder will be required to make payment to the officer in charge of the sale, before the close of business on the day of the sale, by bank draft, certified check, or post office money order, made payable to the Commissioner of the General Land Office. If any bidder to whom a lot is awarded fails to make the payment required on the date of sale, the lot shall be reoffered for sale on the following day.

6. Evidence of Citizenship or Incorporation. Every person purchasing a lot will be required to furnish an affidavit showing that he is a citizen of the United States or has declared his intention to become such. If he is foreign born, the affidavit must show the date of his naturalization or declaration of

intention, the title and location of the court in which instituted, and, when available, the number of the document in question. Every corporation purchasing a lot must furnish a certified copy of its articles of incorporation and evidence showing that it is organized under the laws of the United States, or of some State, territory or possession thereof, and that it is authorized to acquire and hold real estate in Florida. Evidence of citizenship or incorporation must be furnished within such reasonable time as may be allowed for that purpose by the officer in charge of the sale.

7. Conduct of Sale. The sale will be conducted by a representative, or representatives, of the Commissioner of the General Land Office. The officer in charge is hereby authorized to reject any and all bids for any lot and to suspend, adjourn or postpone the sale of any lot or lots to such time or place as he may deem proper.

8. Transfers. After partial payment has been made, a purchaser may transfer his interest in the purchase. The transferee, however, will not acquire any greater right in the lot than was had by the original purchaser. When the payments have been completed, final entry and patent will issue in the name of the original purchaser.

9. Forfeitures. Any lot may be declared forfeited for failure of the purchaser to make any installment payment when due. After forfeiture has been declared, the lot will be held subject to further disposal at public sale at such time and place and at such appraised price as may be fixed by the Secretary of the Interior.

10. Combination in Restraint of Sale. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U.S.C. sec. 113).

Fred W. Johnson,

Commissioner.

Approved: December 21, 1944.

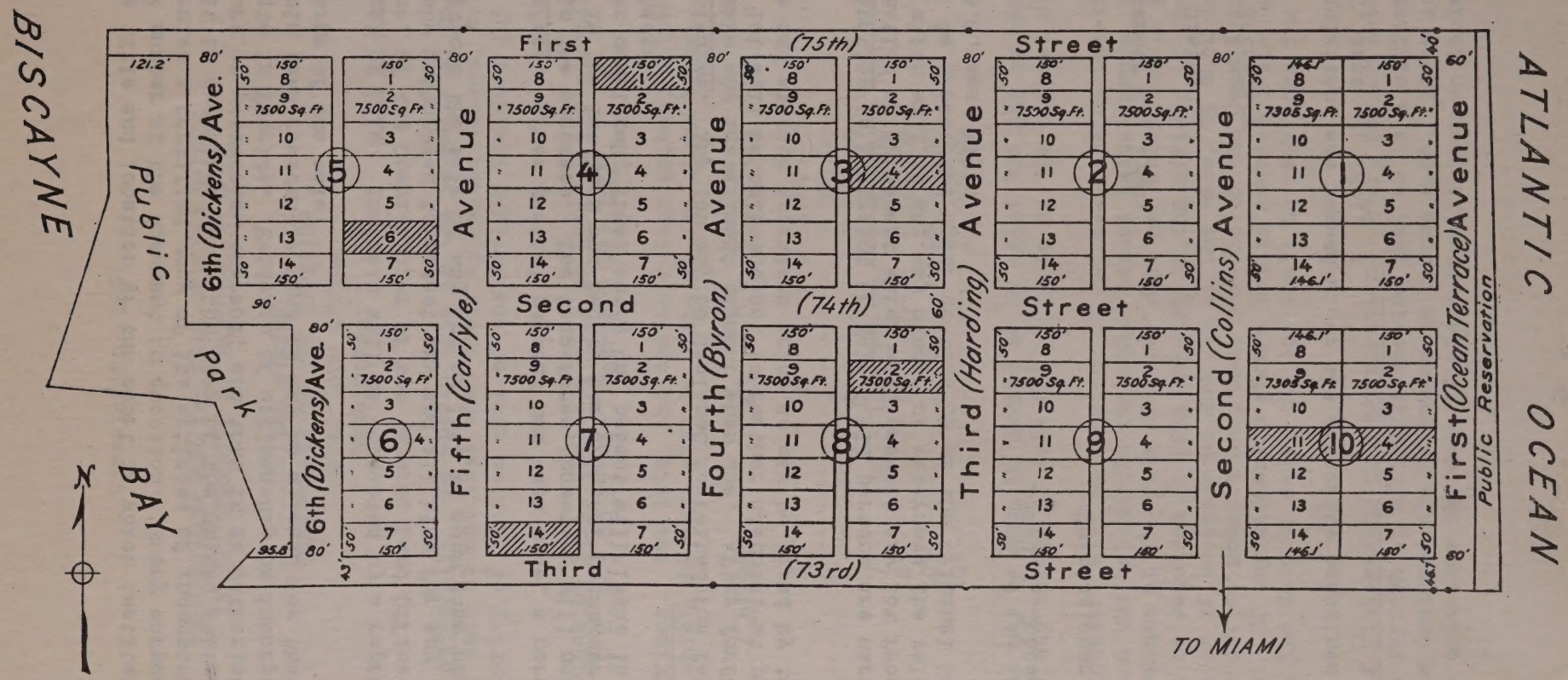
Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in R. S. 453, 2478, 43 U.S.C. secs. 2, 1201.

PLAT OF TOWNSITE

Lots to be sold



Note: The above plat shows the location of the lots and blocks in the townsite in accordance with the official townsite plat approved May 13, 1922, on file in the General Land Office, Washington D.C.

104749

Still in effect 1/5/2/54

See Circ 1600, 1643,

Replaced by Circular 1892 (11/58)

Circular No. 1592

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 194 - POTASSIUM PERMITS AND LEASES

This part is hereby completely revised to read as follows:

Sec.
194.1 Purpose of regulations.

POTASSIUM PROSPECTING PERMITS

194.2 Statutory authority.
194.3 Qualifications of applicants.
194.4 Area and description.
194.5 Rights under permit.
194.6 Form and contents of application.
194.7 Reward for discovery.
194.8 Royalty under permit.
194.9 Bonds.
194.10 Form of permit.
194.11 Extensions of time under permits.

COMPETITIVE POTASSIUM LEASES

194.12 Statutory authority.
194.13 Qualifications of applicants.
194.14 Area and description.
194.15 Royalty and rentals.
194.16 Leases for potassium deposits and associated minerals.
194.17 Applications to lease lands known to contain potassium deposits.
194.18 Disposition of applications.
194.19 Notice of lease offer.
194.20 Auction of lease.
194.21 Right to reject bids.
194.22 Action by bidder.
194.23 Action by district land office, after notice to high bidder.
194.24 Form of lease.
194.25 Operations.
194.26 Limitation on holdings.
194.27 Assignments and subleases.

APPLICATIONS AND CLAIMS EXCEPTED FROM OPERATION OF ACT OF FEBRUARY 7, 1927

194.28 Completion of pending applications and prior claims.

AUTHORITY: Secs. 194.1 to 194.27, inclusive, issued under sec. 32, 41 Stat. 450, sec. 5, 44 Stat. 1058, 30 U.S.C. 189, 285.

Section 194.1 Purpose of regulations. In order to provide more adequately for the proper development in different areas and for conservation of the potassium resources on the public domain so as to assure sufficient supplies of potassium and associated minerals to meet current and future needs of the United States and to guard against monopoly, these regulations, superseding existing regulations on the subject, are hereby promulgated. "Potassium deposits" used in these regulations shall include the "associated deposits" described in the Act of February 7, 1927, unless the context otherwise requires.

POTASSIUM PROSPECTING PERMITS

194.2 Statutory authority. Section 1 of the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 281), authorizes the Secretary of the Interior, under such rules and regulations as he may prescribe, to issue prospecting permits, for a period not to exceed 2 years, for the exploration of the land described therein for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium.

194.3 Qualifications of applicants. Permits may be issued to (a) citizens of the United States, (b) associations of such citizens, (c) or a corporation organized under the laws of any State or Territory thereof. If applicants who have filed for the same land are found to be qualified under the applicable regulations and orders, the issuance of a permit for such land will be in accordance with the order in which the applications were filed.

See Circ 1600

194.4 Area and description. A permit may be issued for not more than 2,560 acres of public lands of the United States in reasonably compact form, by legal subdivisions if surveyed; if unsurveyed, by metes and bounds description.

194.5 Rights under permit. The permit will confer upon the recipient the exclusive right to prospect for potassium deposits in the lands. In the exercise of this right the permittee shall be authorized to remove from the premises only such material as may be necessary to experimental work and the demonstration of the existence in commercial quantities of any such deposits.

for amendment to Part 194.6 - See Circ 1643

194.6 Form and contents of application.1/ An application for permit, under oath, should be filed with the register of the proper district land office in which the land is located or if the land is in a State in which there is no district land office, in the General Land Office. After due notation by the register he shall

1/ For amount of filing fee required with application, see sec. 191.5.

promptly forward the application to the Commissioner for his consideration and submission to the Geological Survey for a report as to whether the lands are properly subject to permit. Upon receipt by the Commissioner of such a report, if favorable, the application will be transmitted to the Secretary with appropriate recommendation. No specific form of application is required, but it should cover, in substance, the following points:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant by stating whether native-born or naturalized, and if naturalized, the date of naturalization, the court in which naturalized and the number of the certificate, if known; if a woman, whether married or single, and if married, the date of marriage and the citizenship of the husband; if a corporation, by showing the name, residence, citizenship of, and amount of stock held by each of its stockholders, separately listing those of alien citizenship and filing a certified copy of its articles of incorporation.

(c) A statement of all holdings by the applicant of permits and leases under this Act and pending applications therefor, and interests directly and indirectly held in such permits and leases. If the applicant is a corporation, a separate showing of the holdings of any stockholder owning 5% or more of the stock of any class must be furnished; and the holdings of any other stockholder must be furnished on request.

(d) Description of the land for which permit is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed, in which latter case, if deemed necessary, a survey sufficient to identify and segregate the land may be required before the permit is granted; also a statement that to the best of the applicant's knowledge the land is not being held or claimed by others.

(e) Reasons why the land is believed to offer a favorable field for prospecting, including a statement of the prospective value of the land for other minerals.

(f) Detailed showing as to the proposed method of prospecting and conducting operations, the diligence with which such operations will be carried on and the amount of capital available therefor.

(g) Statement of the applicant's experience in operations of this nature, together with references as to character, reputation, and business standing.

194.7 Reward for discovery. A permittee who shows to the satisfaction of the Secretary that, prior to the expiration of his

See Circ. 1643

permit, he has made a discovery of valuable potassium deposits within the area of the permit, is entitled, under section 2 of the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 282), to a lease, substantially in the form contained in section 194.24, of any or all of the permit land chiefly valuable therefor, the area to be taken in compact form. Such a discovery must be one which demonstrates the existence of potassium deposits in commercial quantities. In addition, the permittee shall disclose in such showing any change in the information contained in his application for the permit. The lease will be issued at such royalty rate and acreage rental as may be fixed pursuant to sections 2 and 3 of the Act. If the land is unsurveyed, the applicant, after he has been awarded the right to a lease, but before the issuance thereof, will be required to deposit with the district cadastral engineer of the public survey office of the State or district in which the land is located the estimated cost of making a survey of the lands, any balance remaining after the work is completed to be returned. This survey will be an extension of the public land surveys over the tract applied for, the leased land to be conformed to legal subdivisions of such survey when made.

194.8 Royalty under permit. Until the permittee obtains a lease, which when granted shall in this respect be retroactive to the date of the filing of his application, he shall pay to the United States 12½ per centum of the gross value of all potassium compounds and related products secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition.

194.9 Bonds. Where an application includes reserved deposits in lands theretofore entered or patented with reservation of potassium deposits to the United States pursuant to the Act of July 17, 1914 (38 Stat. 509, 30 U. S. C. 121-123), or where the lands constitute a portion of a reclamation project, the applicant will be required prior to issuance of the permit to furnish a bond with qualified corporate surety in the sum of $1,000 or such other amount as may be fixed, conditioned against damage to the crops and improvements of the surface owner, or damage to the reclamation project or water supply thereof.

A bond with qualified corporate surety in the sum of $1,000, or such other amount as may be fixed, conditioned against failure of the permittee to comply with the provisions of paragraph 6 of the permit, may be required either before or after the permit is issued, where the conditions are such as to warrant requiring such bond.

194.10 Form of permit. The form of permit will be in substance as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

District Land Office----------
Serial No.----------

POTASSIUM PROSPECTING PERMIT

KNOW ALL MEN BY THESE PRESENTS, That the Secretary of the Interior, under and by virtue of the act of Congress entitled "An act to promote the mining of potash on the public domain," approved February 7, 1927 (44 Stat., 1057), has granted and does hereby grant a permit to----------of the exclusive right for a period of two years from date hereof to prospect the following described lands----------for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium, but for no other purpose, upon the express conditions following:

1. To mark each corner of the outer boundaries and post a notice hereof in a conspicuous place on the land within 90 days, and to begin prospecting for said minerals within six months from date hereof, and diligently prosecute the exploratory and experimental work during the period of the permit, in manner and extent as follows, to-wit:

2. To remove from said premises only such material as may be necessary to experimental work and the demonstration of the existence of such deposits in commercial quantities. Until the permittee obtains a lease, which when granted shall in this respect be retroactive to the date of the filing of his application, he shall pay to the United States 12-1/2 per cent of the gross value of all potassium compounds and related products secured by him from the lands embraced within his permit and sold, or otherwise disposed of, or held by him for sale or other disposition.

3. To afford all facility for inspection of such exploratory work on behalf of the Secretary of the Interior, and to report fully when required all matters pertaining to the character, progress, and results of such exploratory work, and to that end to keep and maintain such accounts, logs, or other records as the Secretary of the Interior may require.

4. Not to assign or transfer the permit granted hereby without the express consent in writing of the Secretary of the Interior.

5. Not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and to require an identical provision to be included in all subcontracts.

6. To carry out, at the expense of the permittee, all reasonable orders of the Secretary of the Interior, or his authorized representatives (district mining supervisors, U. S. Geological Survey), issued in pursuance of the operating regulations; to carry on all operations hereunder in accordance with approved methods and practice and in conformity with the operating regulations to the

satisfaction of said representatives, including the cementing and casing of all drill holes and the proper conditioning of other excavations or workings; to take all reasonable precautions to prevent waste of or damage to mineral deposits, injury to life, health, or property, or economic waste; and to repair promptly any damage to mineral deposits or mineral-bearing formations resulting from his operations.

7. To furnish such bond or bonds with qualified corporate surety as the Secretary of the Interior may at any time require, conditioned against the failure of the permittee to comply with the provisions of the permit and against damage to the crops and improvements of any surface owner entitled to such bond, or damages to any reclamation project embracing any of the lands herein described.

EXPRESSLY RESERVING to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands covered hereby as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in said act; and further reserving the right and authority to cancel this instrument for failure of the permittee to exercise due diligence in the execution of the prospecting work in accordance with the terms hereof.

Valid existing rights acquired prior hereto on the lands described herein will not be affected hereby.

Dated----------

Secretary of the Interior.

194.11 Extensions of time under permits. By the Act approved May 7, 1932 (47 Stat. 151, 30 U.S.C. 287), the Secretary was authorized to grant an extension of time for a period of 2 years on any prospecting permit issued under the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 281-286).

A permit may be extended only if the permittee has drilled at least one adequate test well on the permit area during the 2-year period for which the permit was granted. The application for extension must be filed in the land office having jurisdiction over the land involved within the 90-day period prior to the expiration of the 2-year period for which the permit issued. The application should show what efforts the permittee has made to comply with the terms of his permit, such showing to be corroborated, if possible, by an affidavit of at least one disinterested person having actual knowledge of the facts. The application should also show what plans have been made for continuing exploratory work and contain information tending to show that the exploratory program may be completed within the period of the proposed extension.

We did 1643 for amendment

In any case where the permittee is required to maintain a bond under his permit, he must furnish with his application for extension a properly executed assent by the surety to the extension of his bond to cover the life of the permit, if extended, or furnish a new bond.

Since the life of a potassium prospecting permit may be extended beyond the 2 years for which granted, it is a bar to other filings under this Act for the same land until its cancellation has been noted on the records of the district land office.

COMPETITIVE POTASSIUM LEASES

194.12 Statutory authority. Section 3 of the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 283), authorizes the Secretary under such general regulations as he may adopt, to lease, for the production of potassium deposits public lands known to contain such deposits in commercial quantity and character and found in some or any of the forms described in said Act. Invitations to bid for such leases may be made by the Secretary in accordance with the procedure hereinafter set forth. Leases will be issued for periods of 20 years, with preferential right in the lessee to renew the lease for successive periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary, unless otherwise provided by law at the expiration of any such period.

194.13 Qualifications of applicants. Applications for leases containing the information required in section 194.17 may be filed in the proper district land office in which the land is located, or if the land is in a State in which there is no district land office, in the General Land Office, by citizens of the United States, associations of such citizens, or corporations organized under the laws of any State or Territory thereof, the qualifications of the applicant in this respect to be fully covered by the application. The filing of such an application will not give the applicant a preference right to a lease.

194.14 Area and descriptions. Leases are authorized by the terms of the Act for an area not exceeding 2,560 acres, but will be granted only for such area as may be shown to the satisfaction of the Secretary to contain commerically valuable potassium deposits and will be limited to lands reasonably compact in form.

194.15 Royalty and rentals. The rate of royalty will be fixed prior to the offer of lands for lease, but in no case can the royalty rate be less than 2 per cent of the quantity or gross value of the output of the potassium compounds and other related products at the point of shipment to market.

The rentals fixed by the Act are to be paid annually in advance--25 cents per acre or fraction of an acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth and fifth years, respectively, and $1 per acre for each year thereafter, such rental for any year being credited against royalties accruing for that year.

194.16 Leases for potassium deposits and associated minerals. Under section 4 of the Act of February 7, 1927 (44 Stat. 1058, 30 U. S. C. 284), potassium leases may also provide for the development of sodium, magnesium, aluminum, or calcium deposits, in any of the forms described in said section, associated with the potassium deposits, on terms and conditions not inconsistent with the sodium provision of the Act of February 25, 1920, as amended. The terms of the lease, including rate of royalty, rentals, and production requirements, will be in accord with the provisions of both Acts.

194.17 Applications to lease lands known to contain potassium deposits. Applications for leases must be under oath and should be filed in the proper district land office in which the land is located. If the land is in a State in which there is no district land office, they should be filled in the General Land Office. No specific form of application is required, and no blanks will be furnished, but it should cover, in substance, the following points:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant in accordance with section 194.6(b), the qualifications of an applicant for lease being the same as to citizenship as required of an applicant for prospecting permit.

(c) A statement of applicant's holdings in accordance with section 194.6(c).

(d) A description of the land for which lease is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed in which latter case the description should be connected to a corner of the public land surveys, or to some permanent landmark, if a public survey corner is not available. When the land is surveyed, the survey will be an extension of the public surveys over the tract applied for and the leased land will be conformed to the legal subdivisions of such survey.

(e) Evidence that the land is valuable for its potassium content, with a statement as to the character and extent and mode of occurrence of the potassium deposits in the lands applied for; also the prospective value of the land for magnesium, aluminum, sodium, bromine, iodine, calcium, oil and gas, or other substances, and the ability of the applicant to produce commercially the

Part 194.17 - See Circ 1643 for amendment.

potassium deposits in the land in conformance with conservation and sound business practices.

(f) Detailed method of the process of mining and production to be employed, the diligence with which such operations will be carried on, the contemplated investment in mining development, reduction and refinery works and the amount of capital available therefor.

194.18 Disposition of applications. (a) The application will be given current serial number by the register, noted on his records, and transmitted to the Commissioner of the General Land Office, accompanied with a statement as to the status of the lands embraced therein.

(b) Upon receipt of an application in the General Land Office, it will be referred to the Geological Survey for a report and recommendation as to whether the lands or deposits are properly subject to lease and as to the minimum terms on the basis of which the lease should be offered for sale. Upon receipt of such a report, if favorable, the application will be transmitted to the Secretary with appropriate recommendation. If the Secretary authorizes the offer of the lands or deposits for lease, the lands or deposits will be advertised for lease to the bidder offering the highest bonus therefor, provided that upon a satisfactory showing by the owner of an adjacent lease bidding at the sale that because of the depletion of the potassium deposits then under his control, the offered lands are essential to the continuation of his mining operations the Secretary, upon a finding to that effect and that the public interest would best be served thereby, may award the lands or deposits to the owner of such adjacent lease upon payment of the highest amount bid as bonus.

194.19 Notice of lease offer. The register of the appropriate district land office will be directed to publish notice of the offer of the lands or deposits for lease for a period of 30 days, or such other period as may be deemed advisable, in a newspaper of general circulation to be designated by the Commissioner of the General Land Office in the county in which the lands are situated, or in such other paper or papers as the Secretary may direct. Notice must also be posted in the district land office during the period of publication. The notice for publication and posting shall state the place where and the date and hour on which bids will be received and shall describe the land, the terms, including rental, royalty and minimum investment, and whether the sale of lease will be made by sealed bids or at public auction at the time fixed to the qualified bidder offering the highest bonus for the privilege of leasing the lands or deposits on the terms set forth.

Publication of the offer will be made at the expense of the Government.

All bidders at any public sale of leases are warned against committing any act by intimidation, combination, or unfair management to hinder or prevent bidding thereat, in violation of section 59 of the Criminal Code of the United States, approved March 4, 1909 (35 Stat. 1099, 18 U. S. C. 113).

194.20 Auction of lease. Where the lease is to be sold at public auction the register, at the time fixed in the notice, will offer the land or deposits for lease in that manner at his office on the terms and conditions fixed in the notice to the qualified bidder of the highest amount offered as a bonus for the privilege of leasing the land, subject to the approval of the Secretary. The high bidder must deposit with the register on the day of sale a certified check or cash, for one-fifth of the amount of his bid, such sum to be deposited by the register in his account "deposits, unearned proceeds, lands, etc."

194.21 Right to reject bids. The right is reserved by the Secretary to reject any and all bids; and should a bid be rejected, the deposit made by the bidder will be returned.

194.22 Action by bidder. The high bidder will be allowed 30 days from date of auction, or, where the sale is by sealed bids, 30 days from receipt of notice that his bid has been accepted by the Secretary within which (1) to file in the district land office (a) a lease, duly executed by him in quintuplicate following the form prescribed by section 194.24; (b) evidence of qualifications as prescribed by section 194.17, unless such evidence has therstofore been filed; (c) the bond required by section 2 (c) of the lease, which may be either a corporate surety bond or United States bonds in lieu thereof pursuant to the Act of February 24, 1919 (40 Stat. 1148, 6 U. S. C. 15); and (2) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease. In case of default, the amount deposited by the bidder will be forfeited, and disposed of as other receipts under the Mineral Leasing Act.

194.23 Action by district land office, after notice to the high bidder. At the end of the 30 days allowed the high bidder, or sooner, if the foregoing be complied with by him, the district land office will forward by special letter all papers with full report of action taken.

194.24 Form of lease. The form of lease will be in substance as follows:

See Circ 1643 for amendment.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

District Land Office- - - - - -
Serial No.- - - - - - - - - - -

POTASSIUM LEASE

This indenture of lease entered into in quintuplicate this ----------day of--------, 19--, by and between the United States of America, party of the first part, hereinafter called the lessor by the Secretary of the Interior, and----------, of----------, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the Act of Congress approved February 7, 1927 (44 Stat. 1057), entitled "An Act to promote the mining of potash on the public domain," hereinafter referred to as the Act, which is made a part hereof, witnesseth:

SECTION 1. Purposes. That the lessor, in consideration of the rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine, remove, and dispose of all the potassium and associated deposits in, upon, or under the following-described tracts----------, containing------acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways, roads, telegraph or telephone lines, reservoirs or other structures necessary to the full enjoyment hereof, together also with the right to use any timber, stone, or other materials on said land in connection with the operations to be conducted hereunder, for a period of 20 years, with preferential right in the lessee to renew the same for successive periods of 10 years under such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any such period: Provided, That this lease shall extend only to or include any right or interest in the lands, or the minerals therein, reserved to the United States under any entry that may be allowed, or patent that may issue, or may have issued, with a reservation of minerals to the United States.

SEC. 2. In consideration of the foregoing the lessee hereby agrees:

(a) Investment. To invest in actual development or improvements upon the land leased, or for the benefit thereof, the sum of - - - - -dollars, of which sum not less than one-third shall be so expended during the first year succeeding the execution of this instrument and a like sum each of the two succeeding years, unless sooner expended; and submit annually, at the expiration of each year for the said period, an itemized statement of the amount and character of said expenditure during each year.

(b) Minimum production. Beginning with the fourth full calendar year of the lease, except when operations are interrupted by strikes, the elements or casualties not attributable to the lessee, to produce each year potassium or associated deposits from the premises covered hereby, to the gross value of not less than - - - - dollars at the point of shipment, or to pay royalty on said gross value if the value of actual production be less.

(c) Bond. To furnish and maintain a bond in the sum of $- - - -, conditioned upon the expenditure of the amount specified in (a) hereof and compliance with the terms and provisions of this lease.

(d) Royalty. To pay the lesser for the output of potassium compound and all other related products, the royalty of _____ per cent of the gross value thereof at the point of shipment to market. Such royalty shall be paid monthly in cash or delivered in kind at the option of the lessor. It is expressly agreed that the Secretary of the Interior may establish reasonable minimum values for purposes of computing royalty on any potassium compound or other related products, due consideration being given to the highest price paid for a part or a majority of the production of like quality products from the same general area, the price received by the lessee, the posted price, and other relevant matters.

When paid in value such royalty on production shall be due and payable monthly on the last day of the calendar month following the calendar month in which produced.

When paid in kind royalty products shall be delivered in merchantable condition at the point of shipment without cost to the lessor, unless otherwise agreed to by the parties hereto, at such time and in such storage compartments provided by the lessee as may reasonably be required by the lessor, provided that the lessee shall not be required to hold the royalty product in storage for more than 60 days beyond the end of the month in which produced, and, provided further, that the lessee shall in no manner be responsible or held liable for the loss or destruction of the royalty product in storage from causes over which the lessee has no control.

(e) Rents. To pay the lessor annually, in advance, beginning with the date of the execution of the lease, the following rentals: Twenty-five cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth and fifth years, respectively, and $1 per acre for each and every calendar year thereafter during the continuance of the lease, such rental for any year to be credited against the royalties as they accrue under this lease for that calendar year.

(f) Payments. Unless otherwise directed by the Secretary of the Interior, to make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, such payments to be tendered to the register of the district land office in which the lands are located or to the Commissioner of the General Land Office, if there is no district land office in the State in which the lands are located.

(g) Taxes and wages. Freedom of purchase. To pay when due, all taxes assessed and levied under the laws of the State upon the improvements, output of mines, or other rights, property, or assets

of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(h) Monthly statements. To furnish monthly certified statements in detail in such form as may be prescribed by the lessor of the amount and value of output from the leasehold as a basis for determining amount of royalties. All books and accounts of the lessee shall be open at all times for the inspection by any duly authorized officer of the Department. Falsification of such statements shall be a ground for the cancellation of the lease as hereinafter provided.

(i) Plats and reports. To furnish annually a plat in the manner and form prescribed by the Secretary of the Interior showing all prospecting and development work on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands, as well as any buildings, reduction works, or equipment, situated elsewhere and owned or operated in conjunction with, or as a part of the operations conducted hereunder, accompanied by a report, in detail, as to the stockholders, business transacted, assets and liabilities of the lessee, together with a statement of the amount of potassium deposits and other minerals produced and secured by operations hereunder, and the cost of production thereof.

(j) Potassium in solution. Where the minerals are taken from the earth in solution, such extraction shall not be within 500 feet of the boundary line of leased lands without the permission of or unless directed by the Secretary of the Interior.

(k) Diligence. Prevention of waste. Health and safety of workmen. To develop and produce in commercial quantites, with reasonable diligence, skill and care in the operation of the property, the potassium and other mineral deposits susceptible of such production in the lands covered hereby; to carry out, at the expense of the lessee, all reasonable orders of the Secretary, or his authorized representatives, (district mining supervisors, Geological Survey), issued in pursuance of the operating regulations; to carry on all mining, reducing, refining, and other operations in accordance with approved methods and practice and in conformity with the operating regulations to the satisfaction of said representatives; to take all reasonable precaution to prevent damage to mineral deposits, injury to life, health, or property, or economic waste; to restrict the workday to not exceeding eight hours in any one day for underground workers, except in cases of emergency; to employ no boy under the age of sixteen and no girl or woman, without regard to age, in any mine below the surface; to observe all laws relative to the health and safety of workmen and employees; and to provide access at all times to mining and related productive operations for examination and inspection by authorized representatives of the lessor.

(l) Fair employment practice. Not to discriminate against any employee or applicant for employment because of race, creed,

color, or national origin, and to require an identical provision to be included in all subcontracts.

(m) Forfeiture of lease. To deliver up to the lessor in good order and condition and subject to the provisions of section 5 hereof on the termination of this lease as a result of forfeiture thereof pursuant to section 31 of the Act of February 25, 1920, the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, together with such personal property situated on any of said lands as may be necessary or convenient for the continued operation to the full extent and capacity of the leased premises.

(n) Reserved deposits. To comply with all statutory requirements where the surface of the lands embraced herein has been or shall hereafter be disposed of under laws reserving to the United States the mineral deposits therein.

(o) Assignment. Not to assign this lease, or any interest therein, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, not to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All such assignments of agreements must be submitted in triplicate within 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection.

(p) Excess holdings. To observe faithfully the provisions of section 27 of the Act of February 25, 1920, as amended, insofar as applicable hereto.

SEC. 3. The lessor expressly reserves:

(a) Easements and rights of way. The right to permit for joint or several use such easements or rights of way upon, through, or in the lands hereby leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act; and the treatment and shipment of the products thereof, by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) Disposition of surface. The right to dispose of the surface of the land embraced herein under existing law, or laws hereafter enacted, insofar as said surface is not necessary for use of the lessee in extracting and removing the deposits therein.

(c) Monopoly and fair prices. Full power and authority to carry out and enforce all the provisions of section 30 of said Act of February 25, 1920, to insure the sale of the production of said leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) Sale of production. The right to purchase after one year's notice of intention to do so in specified quantities for a specified period up to one-fourth of the quantity of potassium produced from the

of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(h) Monthly statements. To furnish monthly certified statements in detail in such form as may be prescribed by the lessor of the amount and value of output from the leasehold as a basis for determining amount of royalties. All books and accounts of the lessee shall be open at all times for the inspection by any duly authorized officer of the Department. Falsification of such statements shall be a ground for the cancellation of the lease as hereinafter provided.

(i) Plats and reports. To furnish annually a plat in the manner and form prescribed by the Secretary of the Interior showing all prospecting and development work on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands, as well as any buildings, reduction works, or equipment, situated elsewhere and owned or operated in conjunction with, or as a part of the operations conducted hereunder, accompanied by a report, in detail, as to the stockholders, business transacted, assets and liabilities of the lessee, together with a statement of the amount of potassium deposits and other minerals produced and secured by operations hereunder, and the cost of production thereof.

(j) Potassium in solution. Where the minerals are taken from the earth in solution, such extraction shall not be within 500 feet of the boundary line of leased lands without the permission of or unless directed by the Secretary of the Interior.

(k) Diligence. Prevention of waste. Health and safety of workmen. To develop and produce in commercial quantites, with reasonable diligence, skill and care in the operation of the property, the potassium and other mineral deposits susceptible of such production in the lands covered hereby; to carry out, at the expense of the lessee, all reasonable orders of the Secretary, or his authorized representatives, (district mining supervisors, Geological Survey), issued in pursuance of the operating regulations; to carry on all mining, reducing, refining, and other operations in accordance with approved methods and practice and in conformity with the operating regulations to the satisfaction of said representatives; to take all reasonable precaution to prevent damage to mineral deposits, injury to life, health, or property, or economic waste; to restrict the workday to not exceeding eight hours in any one day for underground workers, except in cases of emergency; to employ no boy under the age of sixteen and no girl or woman, without regard to age, in any mine below the surface; to observe all laws relative to the health and safety of workmen and employees; and to provide access at all times to mining and related productive operations for examination and inspection by authorized representatives of the lessor.

(l) Fair employment practice. Not to discriminate against any employee or applicant for employment because of race, creed,

color, or national origin, and to require an identical provision to be included in all subcontracts.

(m) Forfeiture of lease. To deliver up to the lessor in good order and condition and subject to the provisions of section 5 hereof on the termination of this lease as a result of forfeiture thereof pursuant to section 31 of the Act of February 25, 1920, the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, together with such personal property situated on any of said lands as may be necessary or convenient for the continued operation to the full extent and capacity of the leased premises.

(n) Reserved deposits. To comply with all statutory requirements where the surface of the lands embraced herein has been or shall hereafter be disposed of under laws reserving to the United States the mineral deposits therein.

(o) Assignment. Not to assign this lease, or any interest therein, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, not to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All such assignments of agreements must be submitted in triplicate within 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection.

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SEC. 3. The lessor expressly reserves:

(a) Easements and rights of way. The right to permit for joint or several use such easements or rights of way upon, through, or in the lands hereby leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act; and the treatment and shipment of the products thereof, by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) Disposition of surface. The right to dispose of the surface of the land embraced herein under existing law, or laws hereafter enacted, insofar as said surface is not necessary for use of the lessee in extracting and removing the deposits therein.

(c) Monopoly and fair prices. Full power and authority to carry out and enforce all the provisions of section 30 of said Act of February 25, 1920, to insure the sale of the production of said leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) Sale of production. The right to purchase after one year's notice of intention to do so in specified quantities for a specified period up to one-fourth of the quantity of potassium produced from the

leased land at the point of shipment to market at not more than prevailing wholesale prices f.o.b. refinery, as determined by the Secretary. This shall be in addition to any royalty taken in kind.

SEC. 4. Surrender and termination of lease. The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate this lease at any time after the first four years of the term herein provided for, by giving six months' notice in writing to the lessor, and upon payment of all rents, royalties, and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered by such relinquishment.

SEC. 5. Purchase of materials, etc., on termination of lease. That on the termination of this lease, by surrender or forfeiture, the lessor, his agent, licensee, or lessee, shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, any or all buildings, machinery, equipment and tools, whether fixtures or personalty, placed by the lessee in or on the land leased hereunder, save and except equipment such as underground timbering, supports, shaft linings, and well casings, necessary for the preservation of the mine or other development works, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, and tools to be purchased as aforesaid shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party thereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings, or other property, shall be removed from their normal position; that at any time within a period of 90 days after election by the lessor not to purchase or after expiration of said period of six months without election by the lessor, the lessee shall have the privilege of removing from the premises said buildings and other property except said underground equipment and structure necessary for the preservation of the mine and other development works. Any materials, tools, appliances, machinery, structures, and equipment underground or on the surface located on the leased lands shall become the property of the lessor on expiration of the period of 90 days above referred to or such extension thereof as may be granted by the Secretary of the Interior.

SEC. 6. Judicial proceedings in case of default. If the lessee shall fail to comply with the provisions of the Act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at date hereof, and such default shall continue for 90 days after service of written notice thereof by the lessor, then the

lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided in section 31 of the Act of February 25, 1920. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SEC. 7. Heirs and successors in interest. It is further agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 8. Unlawful interest. It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part of this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes and sections 114, 115 and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109, 18 U. S. C. 204-206), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

In witness whereof:

THE UNITED STATES OF AMERICA,

By- - - - - - - - - - - - - - - - - -
Secretary of the Interior, Lessor.

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Lessee.

Witnesses:

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194.25 Operations. Prospecting and mining operations under permits and leases will be governed by operating regulations, approved by the Secretary. Before beginning operations permittees and lessees should consult with the district mining supervisor of the Geological Survey for the area in which operations are to be conducted and obtain from him a copy of the operating regulations.

194.26 Limitation on holdings. Section 5 of the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 285) provides that the general provisions of the Act of February 25, 1920 shall be applicable. The Secretary is given authority to prescribe necessary and proper rules and regulations, and in view of the provisions of amended section 27 of the latter Act as to holdings of permits and leases of the minerals enumerated therein, no person, association, or corporation will be granted, either directly or indirectly or by approval of assignments, permits and leases, an area which, when added to the area already held under the Act, exceeds in the aggregate 15,360 acres.

See Circ ~~143~~ 1836 ~~18~~

194.27 Assignments of leases and permits; subleases. Leases may be assigned or subleased and permits may be assigned or transferred in whole or in part to qualified persons or corporations upon first obtaining consent of the Secretary. Assignments, subleases or transfers of permits and leases, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, when submitted, must be filed in triplicate within 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection.

See Circ 1857

APPLICATIONS AND CLAIMS EXCEPTED FROM OPERATION
OF ACT OF FEBRUARY 7, 1927

194.28 Completion of pending applications and prior claims. By section 6 of the Act of February 7, 1927 (44 Stat. 1058, 30 U. S. C. 286), the Act of October 2, 1917 (40 Stat. 297), is repealed, with provision that the repeal shall not affect pending applications for permits or leases filed prior to January 1, 1926, or valid claims existing at the passage of the Act and thereafter maintained in compliance with the law under which initiated, which claims may be perfected under such law, including discovery.

As to potassium mining claims, only those claims may be patented which were initiated prior to and were valid existing claims on October 2, 1917, and have since been duly maintained as such.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: January 4, 1945.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

Circular No. 1595 111385

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

See Circ 1840

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Line 14 of the schedule of royalty rates per barrel of oil, Sec. 2(e) (1) of the form of oil and gas lease, in section 192.28 and in paragraph (a) of section 192.55 (CFR, Circ. 1386, May 7, 1936) is hereby amended to read as follows:

Over 400 the royalty shall be 25 per cent.

The last seven lines in the royalty schedules of both sections are deleted.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 181; 49 Stat. 674).

Approved: May 3, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

(Sgd) Fred W. Johnson,

Commissioner.

108891

Circular No. 1597

Superseded by Circ. 1486 b & Circ. 1486 b - superseded by Circ. 1715

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 240 - PUBLIC LAND RECORDS

Section 240.3, as amended by Circular 1486a of August 15, 1944, is further amended by substituting the following for the first sentence of paragraph 2, and subdivisions (a) and (b) thereof:

"Unless otherwise directed, the register will regard such plat as officially filed in his office, and the lands as subject to entry and disposal, at the time specified in a notice prepared by the General Land Office. The Commissioner shall prepare the notice for publication in the Federal Register, and shall send immediately a copy of the notice to the register.

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 5, 1945
(Sgd) Oscar L. Chapman,
Assistant Secretary.

109672

Circular No. 1598

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ. 1785

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 185 - GENERAL MINING REGULATIONS

The first paragraph of Section 185.88 is amended to read as follows:

185.88 Charges not to exceed legal rates. (a) The charge for the publication of notice of application for patent in a mining case in all districts, exclusive of Alaska, shall not exceed the legal rates allowed by the laws of the State for the publication of legal notices wherein the notice is published, and in no case shall the charge exceed $10 for each 10 lines of space occupied where publication is had in a daily newspaper, and where a weekly newspaper is used as a medium of publication $7.50 shall be the maximum charge for the same space. Such charge shall be accepted as full payment for publication in each issue of the newspaper for the entire period required by law.

The following two new paragraphs are inserted after the foregoing and before the second paragraph of the section:

Revoked by Circ. 1612

For such publications in Alaska the maximum rate shall be $12.50 for each 10 lines of space in a daily newspaper for the required period, and $9.40 for the same space and time for publication in a weekly newspaper.

For the purpose of this regulation the term "weekly newspaper" shall include any newspaper of general circulation which is published one day in each week for the distribution of news by weekly periods, and for which a separate subscription list is maintained, notwithstanding that such an edition may also be circulated as part of a newspaper issued daily.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 8, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

109970

Circular No. 1599

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 288 - GENERAL TRESPASS REGULATIONS

Sections 288.9 and 288.10 are amended to read as follows:

PROCEDURE IN COAL TRESPASS CASES

Sec. 288.9 Action by Regional Field Examiner. Where coal is being mined in trespass by an applicant for a coal lease, license or permit, or by any other person, the Regional Field Examiner of the region where such mining is being carried on will by appropriate proceedings immediately cause the person to stop mining and vacate the premises and will collect damages for the coal mined.

Part 288.9 Revoked by Circ. 1784

Sec. 288.10 Coal permit, lease or license not to issue until trespass account settled. No coal permit, lease or license will be issued to anyone known to have mined coal in trespass until the trespass account is settled.

(R.S. 453, 2478; 43 U.S.C. 2, 1201).

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 20, 1945

(Sgd) Michael W. Straus,
Assistant Secretary.